



भारत का राजपत्र

The Gazette of India

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं० 11]

नई विल्ली, शनिवार, मार्च 14, 1981/फाल्गुन 23, 1902

No. 11] NEW DELHI, SATURDAY, MARCH 14, 1981/PHALGUNA 23, 1902

इस भाग में भिन्न पृष्ठ संलग्न दो जाती हैं जिससे इक यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)

(रक्षा मंत्रालय को छोड़कर) भारत सरकार के मंत्रालयों द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं
Statutory Orders and Notifications issued by the Ministries of the Government of India
(other than the Ministry of Defence)

विल्ली मंत्रालय

(राजस्व विभाग)

नई विल्ली, 21 नवम्बर, 1980

आयकर

का० आ० 819.—केन्द्रीय सरकार, आयकर प्रधिनियम, 1961 (1961 का 43) की धारा 80-छ की उपधारा (2)(ब) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, "मंदिर श्री गोविन्द देवीजी, जयपुर" को उक्त धारा के विद्युतों के लिए राजस्थान राज्य के सर्वत विभागों लोक पूजा के स्थान के रूप में अविसूचित करती है।

[सं० 3751 (का० सं० 176/40/80-आई० डी० ए० (ए I)]

श्री० श्री० श्रीनिवासन, उप-मंत्रिव

MINISTRY OF FINANCE

(Department of Revenue)

New Delhi, the 21st November, 1981

(INCOME-TAX)

S.O. 819.—In exercise of the powers conferred by sub-section (2)(b) of Section 80-G of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Mandir Shri Govind Deviji, Jaipur" to be a place of public worship of renown throughout the State of Rajasthan for the purposes of the said section.

[No. 3751(F, No. 176, 40/80-IT A)]
V. B. SRINIVASAN, Dy. Secy.

(राजस्व विभाग)

नई विल्ली, 14 मार्च, 1981

सीमा-शुल्क

का० आ० 820.—केन्द्रीय सरकार, सीमा शुल्क प्रधिनियम, 1962 (1962 का 52) की धारा 7 के खण्ड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, वायुगानों के विनियोग के लिए अपेक्षित आयातित वायुगान पुर्जी, सहायक उपकरणों और सामग्री की उत्तराई के लिए, बरेली विमान पत्तन को सीमा शुल्क पत्तन के रूप में नियत करती है।

[अधिसूचना 61/81-से०गु०/फ०स० 481/90/80सी०गु० 2]

ए० के० छाबड़ा, उपसचिव

(Department of Revenue)

New Delhi, the 14th March, 1981

CUSTOM

S.O. 820.—In exercise of the powers conferred by clause (a) of section 7 of the Customs Act, 1962 (52 of 1962), the Central Government hereby appoints Bareilly airport as Customs airport for the unloading of imported aircraft parts, accessories and materials required for manufacture of aircrafts.

[Notification No. 61/81-Cus./F. No. 481/90/80-Cus. VII]
A. K. CHHABRA, Dy. Secy.

केन्द्रीय उत्पादन-शुल्क और सीमा-शुल्क बोर्ड

नई विली, 14 मार्च, 1981

सीमा-शुल्क

का० आ० 821.—केन्द्रीय उत्पाद-शुल्क और सीमा-शुल्क बोर्ड, सीमा-शुल्क प्रबिनियम, 1962 (1962 का 52) की धारा 9 द्वारा प्रदत्त अधिकारों का प्रयोग करते हुए, केरल राज्य में त्रिवेन्द्रम को भाष्टागार स्टेशन के रूप में घोषित करता है।

[सं० 62/का० सं० 473/106/80-सी०-श० VII]

ए० के० लालड़ा, सचिव

CENTRAL BOARD OF EXCISE AND CUSTOMS

New Delhi, the 14th March, 1981

CUSTOMS

S.O. 821.—In exercise of the powers conferred by section 9 of the Customs Act, 1962 (52 of 1962), the Central Board of Excise and Customs hereby declares Trivandrum in the State of Kerala to be a warehousing station.

[No. 62/F. No. 473/106/80-Cus-VII]

A. K. CHHABRA, Secy.

पुणे, 2 विसम्बर, 1980

आधिकार

वर्ष 'क' (I)

का० आ० 822.—उन सभी अधिकारों और शिल्प अधिभक्त परिवारों के नाम जिनका विवरण वर्ष 1979-80 में श० 2 लाख से अधिक की धारा के लिए कर-निर्धारण किया गया है।

(1) हैसियत के लिए—अप्र० हि० आ० प०—शिल्प अधिभक्त परिवार के लिए

(2) निर्धारण वर्ष के लिए

(3) विवरणित धारा के लिए

(4) निर्धारित धारा के लिए

(5) देय कर के लिए

(6) धरा किए गए कर के लिए

(1) श्री अगवीश मालीकाल, 10 बेनसन रोड, बेनसन शहर, बंगलोर
1. अप्र० 2. 1979-80 3. रु० 2,14,850 4. रु० 2,20,860
5. रु० 1,27,848 6. रु० 1,24,500

(2) श्री नासिर के० ईरानी, 2422 ईस्ट स्ट्रीट, पुणे-411001
1. अप्र० 2. 1979-80 3. रु० 2,76,250 4. रु० 2,74,650
5. रु० 1,64,572 6. रु० 1,64,572

(3) श्री एफ० के० ईरानी, 2422, ईस्ट स्ट्रीट, पुणे-411001
1. अप्र० 2. 1979-80 3. रु० 3,14,170 4. रु० 3,14,780
5. रु० 1,80,345 6. रु० 1,80,345

(4) श्रीमती जे० के० ईरानी, 3. एम० जी० रोड, पुणे-411001
1. अप्र० 2. 1979-80 3. रु० 3,08,400 4. रु० 3,10,960
5. रु० 1,90,332 6. रु० 1,90,332

(5) श्री सी० एस० पूनावाला, 283, एम० जी० रोड, पुणे-411001
1. अप्र० 2. 1977-78 3. रु० 3,63,200 4. रु० 2,79,630
5. रु० 1,61,676 6. रु० 1,61,676

(6) श्री आर० आर० वैरामजी, 74, वानवडी, पुणे-411001
1. अप्र० 2. 1978-79 3. रु० 2,35,480 4. रु० 2,39,000
5. रु० 1,40,990 6. रु० 1,40,990

- (7) श्री एम० ए० करकरिया, 472, गुलदेही, पुणे-411009
1. अप्र० 2. 1978-79 3. रु० 1,09,870 4. रु० 2,08,020
5. रु० 1,37,076 6. रु० 49,734
- (8) श्री शी० आर० शहा, मु० नादेड, ता० हवेली, जि० पुणे
1. अप्र० 2. 1978-79 3. रु० 4,78,808 4. रु० 4,79,940
5. रु० 3,13,328 6. रु० 3,13,328
- (9) श्री आर० आर० शहा, मु० नादेड, ता० हवेली, जि० पुणे
1. अप्र० 2. 1978-79 3. रु० 2,32,160 4. रु० 2,32,720
5. रु० 1,36,656 6. रु० 1,36,656
- (10) श्री शी० आर० शहा, मु० नादेड, ता० हवेली, जि० पुणे
1. अप्र० 2. 1978-79 3. रु० 1,30,830 4. रु० 2,31,390
5. रु० 1,35,670 6. रु० 1,35,670
- (11) श्री उस्मान हाजी प्रती, 93-पी, भाजरी, ता० हवेली, जि० पुणे
1. अप्र० 2. 1978-79 3. रु० 5,63,580 4. रु० 5,72,920
5. रु० 3,70,920 6. रु० 3,64,480
- (12) श्री एस० एम० गुरनानी, प्रोप्रा० शाम वाईस्स, के० सी०-3
1. अप्र० 2. 1979-80 3. रु० 2,31,800 4. रु० 2,46,970
5. रु० 1,46,489 6. रु० 1,35,332
- (13) श्री डी० टी० कालानी, प्रोप्रा० प्रदीप बौमिश पृष्ठ फेन्च पालीम नेन्युफेन्चरिंग, के० सी०-3
1. अप्र० 2. 1979-80 3. रु० 2,12,150 4. रु० 2,11,230
5. रु० 1,23,534 6. रु० 1,22,100
- (14) श्री डी० टी० कालानी, प्रोप्रा० प्रदीप बौमिश एच फेन्च पालीम नेन्युफेन्चरिंग, के० सी०-3
1. अप्र० 2. 1978-79 3. रु० 1,94,310 4. रु० 2,04,920
5. रु० 1,17,055 6. रु० 1,17,055
- (15) श्री सुरेश बी० कुलकर्णी, मु० इचलकरंजी, जि० कोल्हापुर
1. अप्र० 2. 1979-80 3. रु० 2,14,090 4. रु० 2,15,220
5. रु० 1,24,602 6. रु० 1,24,602
- (16) श्री माधव डी० मालपानी, द्वारा मैसर्स डी० पी० मालपानी, मु० संगमनेर, जि० अहमदनगर
1. हि० आ० प० 2. 1977-78 3. रु० 2,20,630
4. रु० 2,20,080 5. रु० 1,28,764 6. रु० 1,28,764
- (17) श्री विश्वनाथ डी० मालपानी, द्वारा मैसर्स डी० जे० मालपानी, मु० संगमनेर, जि० अहमदनगर
1. हि० आ० प० 2. 1977-78 3. रु० 2,19,800
4. रु० 2,19,410 5. रु० 1,33,313 6. रु० 1,33,313
- (18) श्री कालिवास डी० मालपानी, द्वारा मैसर्स डी० जे० मालपानी, मु० संगमनेर, जि० अहमदनगर
1. हि० आ० प० 2. 1977-78 3. रु० 2,19,900
4. रु० 2,22,350 5. रु० 1,30,262 6. रु० 1,30,262
- (19) श्री ओकारानाथ डी० मालपानी, द्वारा मैसर्स डी० जे० मालपानी, मु० संगमनेर, जि० अहमदनगर
1. हि० आ० प० 2. 1977-78 3. रु० 2,23,040
4. रु० 2,22,510 5. रु० 1,30,368 6. रु० 1,30,368

[सं० पुणे/प्रकाशन/बकाया/80-81]

वर्ष 'क' (II)

उन सभी कर्मों, अधिकारों के संगम या कंपनियों के नाम जिनका विवरण वर्ष 1979-80 के दौरान रु० 10 लाख से अधिक की धारा के लिए निर्धारण किया गया है।

(1) हैसियत के लिए—प० क०—पंजीकृत फर्म के लिए, लि० क०—कंपनी के लिए, स०—सहकारी समिति के लिए।

(2) निर्धारण वर्ष के लिए।

- (3) विवरणित आय के लिए
 (4) निर्धारित आय के लिए
 (5) देय कर के लिए
 (6) प्रदा किए गए कर के लिए
- (1) भेसर्स रत्नबन्द बेसीचन्द, मु० नवीड, ना० इवेली, जि० पुणे
 1. ए० फ० 2. 1978-79 3. र० 12,70,210
 4. र० 12,73,330 5. र० 3,30,397 6. र० 3,30,397
- (2) भेसर्स गढ़ी बद्रम, 27, शंकरशेट रोड, पुणे-411002
 1 ए० फ० 2. 1977-78 3. र० 13,91,020
 4. र० 13,91,120 5. र० 3,35,545 6. र० 3,54,200
- (3) भेसर्स एस्बेस्टोस सीमेंट लि०, टर्नर एण्ड नेवल, नई दिल्ली के एजेंट के रूप में
 1. कम्पनी 2. 1979-80 3. र० 47,18,900 4. र० 47,18,900
 5. र० 11,80,000 6. र० 11,80,000
- (4) भेसर्स एस्बेस्टोस सीमेंट लि०, टर्नर एण्ड नेवल, नई दिल्ली के एजेंट के रूप में
 1. कम्पनी 2. 1977-78 3. र० 47,64,060
 4. र० 48,83,760 5. र० 12,38,484 6. र० 12,38,484
 [सं० पुणे/प्रकाशन/बाकाया/80-81]
 के० गोपलस्वामी, आयकर आयुक्त

(Department of Revenue)

Income-Tax Department

Pune, the 2nd December, 1980

INCOME TAX

CATEGORY 'A' (I)

S.O. 822.—Names of all Individuals and Hindu Undivided Families who have been assessed on an income more than Rs.2 lakhs during the financial year 1979-80.

(i) For Status—'I' for Individual

'H' for Hindu Undivided Family

(ii) For assessment year

(iii) For income returned

(iv) For income assessed

(v) For tax payable, and

(vi) For tax paid.

(1) Shri Jagdish Mangilal, 10, Benson Road, Benson Town, Bangalore

(i) 'T' (ii) 1979-80 (iii) Rs.2,14,850
 (iv) Rs.2,20,860 (v) Rs.1,27,848 (vi) Rs.1,24,500

(2) Sri Nasir K. Irani, 2422 East street, Pune-411001.

(i) 'T' (ii) 1979-80 (iii) Rs.2,76,250
 (iv) Rs.2,74,650 (v) Rs.1,64,572 (vi) Rs.1,64,572

(3) Sri F.K. Irani, 2422 East Street, Pune-411001.

(i) 'T' (ii) 1979-80 (iii) Rs.3,14,170
 (iv) Rs.3,14,780 (v) Rs.1,80,345 (vi) Rs.1,80,345

(4) Mrs. J.K. Irani, 3 M.G. Road, Pune-411001

(i) 'T' (ii) 1979-80 (iii) Rs.3,08,400
 (iv) Rs.3,10,960 (v) Rs.1,90,332 (vi) Rs.1,90,332

(5) Shri C.S. Poonawalla, 283 M.G. Road, Pune-411001

(i) 'T' (ii) 1977-78 (iii) Rs.3,63,200
 (iv) Rs.2,79,630 (v) Rs.1,61,676 (vi) Rs.1,61,676

(6) Shri R.R. Byramji.c, 74 Wanworie, Pune-411001

(i) 'T' (ii) 1978-79 (iii) Rs.2,35,480
 (iv) Rs.2,39,000 (v) Rs.1,40,990 (vi) Rs.1,40,990

(7) Shri M.A. Karkaria, 472 Gultekdi, Pune-411009
 (i) 'T' (ii) 1977-78 (iii) Rs.1,09,870
 (iv) Rs.2,08,020 (v) Rs.1,37,076 (vi) Rs.49,734

(8) Shri V.R. Shah, at Nanded, Tal. Haveli, Dist. Pune.
 (i) 'T' (ii) 1978-79 (iii) Rs.4,78,808
 (iv) Rs.4,79,940 (vi) Rs.3,13,328 (vii) Rs.3,13,328

(9) Shri R.R. Shah at Nanded, Tal. Haveli, Dist. Pune.
 (i) 'T' (ii) 1978-79 (iii) Rs. 2,32,160
 (iv) Rs.2,32,720 (v) Rs.1,36,656 (vi) Rs.1,36,656

(10) Shri P.R. Shah at Nanded Tal. Haveli, Dist. Pune.
 (i) 'T' (ii) 1978-79 (iii) Rs.1,30,830
 (iv) Rs.2,31,390 (v) Rs.1,35,670 (vi) Rs.1,35,670

(11) Shri Usman Haji Ali, 93-P Manjri, Tal. Haveli, Dist. Pune.
 (i) 'T' (ii) 1978-79 (iii) Rs.5,63,580
 (iv) Rs.5,72,920 (v) Rs.3,70,920 (vi) Rs.3,64,480

(12) Shri S.M. Gurnani, Prop. Shyam Wines, K.C.-3
 (i) 'T' (ii) 1979-80 (iii) Rs.2,31,800
 (iv) Rs.2,46,970 (v) Rs.1,46,489 (vi) Rs.1,35,332

(13) Shri D.T. Kalani, Prop. Pradeep Varnish & French Polish Mfg. K.C.-3
 (i) 'T' (ii) 1979-80 (iii) Rs.2,12,150
 (iv) Rs.2,11,230 (v) Rs.1,23,534 (vi) Rs.1,22,100

(14) Shri D. T. Kalani, Prop. Pradeep Varnish & French Polish Mfg. K.C.-3.
 (i) 'T' (ii) 1978-79 (iii) Rs.1,94,310
 (iv) Rs.2,04,920 (v) Rs.1,17,055 (vi) Rs.1,17,055

(15) Shri Suresh V. Kulkarni, At Ichalkaranji, Dist. Kolhapur
 (i) 'T' (ii) 1979-80 (iii) Rs.2,14,090
 (iv) Rs.2,15,220 (v) Rs.1,24,602 (vi) Rs.1,24,602

(16) Shri Madhav D. Malpani, C/o. M/s. D.J. Malpani, At Sangamner, Dist. Ahmednagar.
 (i) 'H' (ii) 1977-78 (iii) Rs.2,20,630
 (iv) Rs.2,20,080 (v) Rs.1,28,764 (vi) Rs.1,28,764

(17) Shri Vishwanath D. Malpani, C/o. M/s. D.J. Malpani, At Sangamner, Dist. Ahmednagar.
 (i) 'H' (ii) 1977-78 (iii) Rs.2,19,800
 (iv) Rs.2,19,410 (v) Rs.1,33,313 (vi) Rs.1,33,313

(18) Shri Kalidas D. Malpani, C/o. M/s. D.J. Malpani, At Sangamner, Dist. Ahmednagar.
 (i) 'H' (ii) 1977-78 (iii) Rs.2,19,900
 (iv) Rs.2,22,350 (v) Rs.1,30,262 (vi) Rs.1,30,262

(19) Shri Onkarnath D. Malpani, C/o. M/s. D.J. Malpani, At Sangamner, Dist. Ahmednagar.
 (i) 'H' (ii) 1977-78 (iii) Rs.2,23,040
 (iv) Rs.2,22,510 (v) Rs.1,30,368 (vi) Rs.1,30,368

[No. Pn/Pub/Arr/80-81]

CATEGORY 'A' (II)

Names of all firms, Association of Persons or Companies who have been assessed on an income of more than Rs. 10 lakhs during the financial year 1979-80.

(i) for Status— 'RF' for Registered Firm
 'LTD Co.' for Company.
 'A' for Co-operative Society.

(ii) for assessment year
 (iii) for Income returned
 (iv) for income assessed
 (v) for tax payable
 (vi) for Tax paid

(1) M/s. Ratanchand Vermichand at Nanded Tal : Haveli, Dist. Pune.

(i) R.F. (ii) 1978-79 (iii) Rs.12,70,210
 (iv) Rs.12,73,330 (v) Rs.3,30,397 (vi) Rs.3,30,397

(2) M/s. Rathi Bros. 27, Shankarshet Road, Pune 411002.
 (i) R.F. (ii) 1977-78 (iii) Rs.13,91,020
 (iv) Rs.13,91,120 (v) Rs.3,35,545 (vi) Rs.3,54,200

(4) M/s. Asbestos Cement Ltd. As agent to Turner and Newall,
 New Delhi.
 (i) Co. (ii) 1977-78 (iii) Rs.47,64,060
 (iv) Rs.48,83,760 (v) Rs.12,38,484 (vi) Rs.12,38,484
 [No.PN/Arr/Pub/80-81]

(3) M/s. Asbestos Cement Ltd. As agent to turner and Newall,
 New Delhi.

(i) Co. (ii) 1979-80 (iii) Rs.47,18,900
 (iv) Rs.47,18,900 (v) Rs.11,80,000 (vi) Rs.11,80,000

K. GOPALASWAMY, Commissioner of Income tax

राजस्व विभाग
 आयकर विभाग
 पुणे, 2 दिसम्बर, 1980
 आपकर

वर्ग 'आ'

का०ला० 823.—मीजे उन निर्धारितियों के नाम और म्हारे दिये जा रहे हैं जिन पर वित्तीय वर्ष 1979-80 के दौरान कम से कम रु० 5,000 का जुमनिा ऐसी स्थिति में लगाया गया जब कि या तो अपीलीय अधिकरण से अपील करने का समय समाप्त हो गया या अपील वालिल नहीं की गयी थी अथवा वालिल की गयी अपील रद्द कर दी गयी थी।

क्र०स०	निर्धारिती का नाम व पता	हैसियत	निर्धारा	जुमनिा की राशि और व्याज
1.	श्री एम० आर० वासवानी, 23, कोरवान रोड, हैंग कोंग	अपील	66-67 67-68 68-69 69-70	17,190 63,600 8,800 9,460 99,050
2.	मैसर्से मोतीराम बुधरमल कल्याण कैम्प-3	प० फ०	77-78	13,900
3.	श्री ए० एस० कुराना बागले इस्टेट, ठाणे	अपील	75-76	6,148
4.	श्री पी० के० शह, ठाणे	अपील	76-77	10,670
5.	श्री वेलजी जमाल खोजा, ठाणे	अपील	75-76	7,200
6.	मे० प्रज्ञता अंटोमोबाइक्स, कराड	प० फ०	69-70 70-71 71-72 72-73 73-74 74-75	7,620 7,620 7,620 7,620 7,620 7,620

[सं० पुणे/प्रकाशन/बकाया/80-81]
 के० गोपालस्वामी, आपकर आयुक्त

(Department of Revenue)
 Income Tax Department
 Pune, the 2nd December, 1980
 INCOME TAX

CATEGORY 'B'

S.O. 823.—Names and particulars relating to assessee's on whom a penalty of net less than Rs. 5,000 was imposed during a financial year 1979-80 provided the time for presenting an appeal to the Appellate Tribunal was expired without an appeal having been presented the appeal if presented has been disposed off.

Sr. No.	Name & address of the assessee	Status	Asst. year	Amount of penalty and Interest Rs. Rs.
1.	Shri M.R. Daswani, 23, Corwan Road, Hong Kong.	Indl.	66-67 67-68 68-69 69-70	17,190 63,600 8,800 9,460 99,050
2.	M/s. Motiram Budharmal Kalyan Camp.No.3	R.F.	77-78	13,900
3.	Shri A.S. Kurana Wagle Estate Thane	Indl.	75-76	6,148
4.	Shri P.K. Shah, Thane	Indl.	76-77	10,670
5.	Shri Velji Jamal Khoja, Thane	Indl.	75-76	7,200
6.	M/s. Ajantha Automobiles Karad	R.F.7	69-70 70-71 71-72 72-73 73-74 74-75	7,620 7,620 7,620 7,620 7,620 7,620

[No.PN/Pub/Arr/80-81]

K. GOPALASWAMY, Commissioner of Income Tax

(आधिकर विभाग)
पुणे, 2 दिसंबर, 1980
(आधिकर)

वर्ष 'ग'

कांगड़ा 824.—नीचे उम्म व्यक्तियों के नाम दिये जा रहे हैं जिन्होंने वित्तीय वर्ष 1979-80 के लिए कर अवा करने में चूक की है और इन मामलों में कर चूक की राशि १० । १ साल या उससे अधिक की है। इस चूक की अवधि दो वर्ष या अधिक की है।

क्र० सं०	निर्धारिती का नाम व पता	दैनिक	निर्धारित वर्ष	कर में चूक की राशि
1	2	3	4	5
1.	श्री कनैयालाल पुरुषोत्तमदास, (भूत) ८७०, बुधवार पेठ, पुणे ४११००२	व्यक्ति	47-48 47-48 52-53 61-62	6,067 86,946 17,667 851 1,11,531
2.	मै० कनैयालाल पुरुषोत्तमदास, एन्ड ब्रेस्ट, ८७०, बुधवार पेठ, पुणे-४११००२ पं० फ०	व्यक्ति	72-73 73-74 74-75 75-76 75-76 76-77	1,465 6,969 87,420 1,21,440 2,135 19,140 2,38,569
3.	श्री एम० भार० दासवानी, २३, कोरवान रोड, हाँग काँग	व्यक्ति	66-67 67-68 68-69 69-70	67,895 2,42,456 31,644 32,163 3,74,158
4.	धुलिया इलेक्ट्रिक सप्लाई क०, ७८२/२, शिवाजीनगर, पुणे-५ ऑफिशियल कंपनी लीक्सीडेटर, बैक ऑफ इंडिया विल्डिंग, ५वीं भंडिल एम० जो० रोड, बम्बई-४००००१	कंपनी	67-68 68-69 69-70 70-71 72-73	प्रापकर आज दर 81,110 8433 10,055 140 13,000 227 6,428 — 100 —
5.	श्री कानकी गोविंद करसन, कल्याण	व्यक्ति	49-50 52-53 53-54 54-55 55-56 56-57 57-58 58-59 59-60 60-61 58-59 60-61 58-59 59-60 59-60 60-61	16,433 19,946 34,820 19,161 690 28,750 20,397 22,560 15,334 9,647 605 531 4,512 3,067 5,125 हिंदूप्र०प० 5,126 हिंदूप्र०प० 282 हिंदूप्र०प०

1	2	3	4	5
6.	श्री भर्जन बाला माधवी, मु० करीली, ना० भिवडी	व्यक्ति	55-56 56-57 55-56 56-57 57-58 56-57 57-58 61-62 62-63 62-63 63-64 63-64 64-65 64-65 73-74	176 300 327 14,237 11,740 8,438 30,000 26,853 41,415 2,015 23,627 7,297 32,367 7,571 456
				2,06,819
7.	स्व० श्री अम्बुल समव ताजी लाल शोहमद, कानूनी उत्तराधिकारी श्रीमती सफीनावाई अम्बुल समव, भिवडी	व्यक्ति	60-61 61-62 62-63 57-58	10,754 33,569 16,262 1,19,585
				1,80,170
8.	श्री जगेश्वर शोभू पाटकर, देवगढ, जि० रत्नागिरी	व्यक्ति	62-63	5,29,676
9.	मेससे पाठक बदर्स, मेरठ	पं० क०	69-70 71-72 73-74 74-75	22,33,905 857 827 978
				22,36,567

[सं० प्रकाशन/बफायी/80-81]
के० गोपालस्थामी, भायकर आयुक्त

INCOME-TAX DEPARTMENT

Pune, the 2nd December, 1980

INCOME-TAX

CATEGORY 'C'

S.O. 824.—Names of persons in default of tax in cases where the amount of tax in default exceeded Rs.1 lakh or more for a period of two years and above for the financial year 1979-80.

Sr. No.	Name and address of the assessee	Status	Asst. Year	Amount of tax in default
1	2	3	4	5
1.	Shri Kanyalal Purushottamdas (Deed), 870, Budhwar Peth, Pune-411 002.	Indl.	47-48 47-48 52-53 61-62	6,067 86,946 17,667 851
				1,11,531

(1)	(2)	(3)	(4)	(5)	
2.	M/s. Kanyalal Purushottamdas & Bros., 870, Budhwar Peth, Pune-411 002.	R.F.	72-73 73-74 74-75 75-76 75-76 76-77	1,463 6,969 87,420 1,21,440 2,135 19,140 2,38,569	
3.	Shri M.R.Daswani, 23, Cornwon Road, Hongkong.	Indl.	66-67 67-68 68-69 69-70	67,895 2,42,456 31,644 32,163 3,74,158	
4.	Dhulia Electric Supply Co. 762/2, Shivaji Company Nagar, Pune-5 Official liquidator, Bank of India Building, 5th Floor, M.G. Road, Bombay-400 001.		67-68 68-69 69-70 70-71 72-73	L.T. Int. 81,110 8,433 10,005 140 13,000 227 6,428 .. 100	
5.	Shri Kanji Govind Karson Kalyan	Indl.	49-50 52-53 53-54 54-55 55-56 56-57 57-58 58-58 57-60 60-61 58-59 60-61 58-59 59-60 59-60 60-61	49-50 52-53 53-54 54-55 55-56 56-57 57-58 58-58 57-60 60-61 58-59 60-61 58-59 59-60 59-60 60-61	16,433 19,946 34,820 19,161 690 28,750 20,397 22,560 15,334 9,647 605 531 4,512 3,067 5,125 HUF 5,408 2,06,986
6.	Shri Arjun Bala Madhavi at Keshli, Tal. Indl. Bhiwandi.		55-56 56-57 55-56 56-57 57-58 56-57 57-58 57-58 61-62 62-63 62-63 63-64 63-64 64-65 64-65 73-74	176 300 327 14,237 11,740 8,438 30,000 26,853 41,415 2,015 23,617 7,297 32,367 7,571 456 2,06,819	
7.	Late Shri Abdul Samad Haji Somad Haji Lal Indl. Mohomed L.H. Smt. Sakinabai Abdul Somad. Bhiwandi.		60-61 61-62 62-63 57-58	10,754 33,569 16,262 1,19,585 1,80,170	
8.	Shri Jaganath Somu Parkar, Deogad, Dist. Indl. Ratnagiri.		62-63	5,29,676	
9.	M/s. Pathak Bros., Meerut	R.F.	69-70 71-72 73-74 74-75	22,33,905 857 827 978 22,36,567	

(राजस्व विभाग)

आपकर विभाग

पुणे, 2 दिसम्बर, 1980

धनकर

वर्ग 'E'

का०का० 825.—चूंकि केन्द्र सरकार का विचार है कि यह सोनहित की वृद्धि से भावशक्त एवं समीक्षीय होगा कि उन निर्धारितियों के नाम और अन्य विवरण प्रकाशित कर दिए जाएं, जिनका निष्ठारण वित्तीय वर्ष 1979-80 के दौरान ₹ 10 लाख से अधिक शुद्ध धन के लिए धनकर अधिनियम, 1957 (1957 का 27) के प्रवीन किया गया है, भले धनकर अधिनियम 1957 (1957 का 27) की धारा 42क द्वारा प्रदत्त शर्तियों और इस संबंध में इसे समर्थ बनाने वाली अन्य सभी शर्तियों के प्रयोग में एतद्वारा उपरोक्त निर्धारितियों के नाम और अन्य विवरण नीचे दिए गए अनुसार प्रकाशित किए जाते हैं।

(1) हैमियत के लिए—अप्रृति, दिन ३० प० अप्रृतियों का संगम

(2) निष्ठारण वर्ष के लिए

(3) विवरणित शुद्ध धन के लिए

(4) निष्ठारित शुद्ध धन के लिए

(5) देयकर के लिए

(6) घदा किए गए जर के लिए

(1) कु० डायना झी० रत्नागर, 4, प्रिन्स आफ वेल्स ड्राइव, पुणे 411001
1. अप्रृति 2. 1979-80 3. ₹० 14,12,500
4. ₹० 13,89,000 5. ₹० 23,475 6. ₹० 23,475

(2) श्रीमती कृष्ण सी० डैटी, 4, प्रिन्स आफ वेल्स ड्राइव, पुणे 411001
1. अप्रृति 2. 1979-80 3. ₹० 13,20,800
4. ₹० 12,99,600 5. ₹० 21,245 6. ₹० 21,245

(3) श्रीमती पीलू सी० डैटी, 4, प्रिन्स आफ वेल्स ड्राइव, पुणे 411001
1. अप्रृति 2. 1979-80 3. ₹० 12,57,700
4. ₹० 12,38,000 5. ₹० 19,700 6. ₹० 19,700

(4) श्री ईशा सी० डैटी, 4, प्रिन्स आफ वेल्स ड्राइव, पुणे 411001
1. अप्रृति 2. 1979-80 3. ₹० 15,70,000
4. ₹० 15,42,300 5. ₹० 27,730 6. ₹० 27,730

(5) श्री वी० के० दोषी, 1197, शुक्रावार पेट्टे, पुणे 411002
1. अप्रृति 2. 1979-80 3. ₹० 10,34,135
4. ₹० 11,94,467 5. ₹० 415 6. —

(6) श्री ग्रांडांक कुमार सी० पटेल एक-14, गीता हाईटिंग सोसायटी, 10, सिनेपॉर्ट स्ट्रीट, पुणे-411001
1. अप्रृति 2. 1977-78 3. ₹० 19,86,000
4. ₹० 11,04,100 5. ₹० 15,740 6. ₹० 15,740

(7) श्रीमती जे० एन० फिरोदिया, 1115, गणेशखिड रोड, पुणे
1. अप्रृति 2. 1977-78 3. ₹० 14,87,000
4. ₹० 14,89,000 5. ₹० 25,976 6. ₹० 25,976

(8) श्रीमती जे० एम० फिरोदिया, 1115, गणेशखिड रोड, पुणे
1. अप्रृति 2. 1978-79 3. ₹० 14,85,700
4. ₹० 18,13,400 5. ₹० 37,219 6. ₹० 37,219

(9) श्रीमती जे० एन० फिरोदिया, 1115, गणेशखिड रोड, पुणे
1. अप्रृति 2. 1979-80 3. ₹० 15,27,915
4. ₹० 15,59,600 5. ₹० 28,335 6. ₹० 28,335

(10) श्रीमती वी० एच० फिरोदिया, 1115, गणेशखिड रोड, पुणे
1. अप्रृति 2. 1979-80 3. ₹० 16,55,600
4. ₹० 16,55,600 5. ₹० 31,696 6. ₹० 31,696

(11) श्री एच० के० फिरोदिया, 1115, गणेशखिड रोड, पुणे
1. अप्रृति 2. 1978-79 3. ₹० 10,05,100

4. ₹० 10,05,100 5. ₹० 13,878 6. ₹० 13,878

(12) श्री एच० के० फिरोदिया, 1115, गणेशखिड रोड, पुणे
1. अप्रृति 2. 1979-80 3. ₹० 17,81,700
4. ₹० 17,81,700 5. ₹० 36,109 6. ₹० 36,109

(13) स्व० यशस्वंतराव एम० मुकने, जवाहर, ठाणे

1. अप्रृति 2. 1979-80 3. ₹० 13,29,700
4. ₹० 12,68,400 5. ₹० 20,390 6. ₹० 20,390

(14) श्री एच० दू० इटालिया, बाप्पे रस्तम बाग, इलाक 13, भायरंग गंगावई

1. अप्रृति 2. 1979-80 3. ₹० 14,01,450
4. ₹० 14,01,450 5. ₹० 23,787 6. ₹० 23,787

(15) मास्टर वाय० झी० घोरपडे, पालक—श्रीमती वी० झी० घोरपडे,
मु० इचलकरंजी, जिं० कोल्हापुर

1. अप्रृति 2. 1978-79 3. ₹० 13,26,500
4. ₹० 13,26,500 5. ₹० 21,377 6. ₹० 21,377

(16) मास्टर वाय० झी० घोरपडे, पालक—श्रीमती वी० झी० घोरपडे,
मु० इचलकरंजी, जिं० कोल्हापुर

1. अप्रृति 2. 1979-80 3. ₹० 12,64,900
4. ₹० 13,44,200 5. ₹० 22,360 6. ₹० 22,360

(17) श्रीमती पश्चावती झी० घोरपडे, मु० इचलकरंजी, जिं० कोल्हापुर

1. अप्रृति 2. 1977-78 3. ₹० 14,70,400
4. ₹० 14,74,600 5. ₹० 25,617 6. ₹० 25,617

(18) श्रीमती पशा राजे कदमवाडे, कोल्हापुर

1. अप्रृति 2. 1979-80 3. ₹० 11,12,800

4. ₹० 10,78,900 5. ₹० 15,725 6. ₹० 15,725

(19) श्री पंडितराव झी० कुलकर्णी, इचलकरंजी, जिं० कोल्हापुर

1. अप्रृति 2. 1979-80 3. ₹० 15,39,300
4. ₹० 15,59,300 5. ₹० 28,325 6. ₹० 28,325

(20) श्रीमती प्रेमिला राजे भोसले, कोल्हापुर

1. अप्रृति 2. 1977-78 3. ₹० 17,58,200

4. ₹० 13,21,000 5. ₹० 21,275 6. ₹० 21,275

(21) श्रीमती प्रेमिला राजे भोसले, कोल्हापुर

1. अप्रृति 2. 1978-79 3. ₹० 15,06,387

4. ₹० 15,05,800 5. ₹० 26,454 6. ₹० 26,454

[सं० पुणे/प्रकाशन/शकाया/धनकर/80-81]

के० गोपालस्थामी, धनकर प्रायुक्त

Department of Revenue

INCOME TAX DEPARTMENT

Pune, the 2nd December, 1980

WEALTH TAX

CATEGORY 'E'

S.O. 825.—Whereas the Central Government is of the opinion that it is necessary and expedient in public interest to publish the names and other particulars of the assesses who have been assessed under the Wealth-tax Act, 1957 (27 of 1957) on a net wealth exceeding Rs.10 lakhs during the Financial year 1979-80, in exercise of the powers conferred by Sec. 42A of the Wealth-tax Act, 1957 (27 of 1957) and of all other powers

enabling it in this behalf, the names and other particulars of the assesses aforesaid are hereby published as under :-

- (i) stands for the status T for Individual.
'H' for H.U.F.,
'A' for A.O.P.
- (ii) for assessment year
- (iii) for net wealth returned
- (iv) for net wealth assessed
- (v) for tax payable, and
- (vi) for tax paid.

(1) Miss Diana D. Ratnagar, 4 Prince of Wales Drive, Pune-411001

- (i) 'T' (ii) 1979-80 (iii) Rs. 14,12,500
- (iv) Rs. 13,89,000 (v) Rs. 23,475 (vi) Rs. 23,475

(2) Smt. Ruty C. Dady, 4 Prince of Wales Drive, Pune 411001

- (i) 'T' (ii) 1979-80 (iii) Rs. 13,20,800
- (iv) Rs. 12,99,600 (v) Rs. 21,245 (vi) Rs. 21,245

(3) Smt. Pilu C. Dady, 4 Prince of Wales Drive, Pune-411001

- (i) 'T' (ii) 1979-80 (iii) Rs. 12,57,700
- (iv) Rs. 12,38,000 (v) Rs. 197,00 (vi) Rs. 19,700

(4) Shri Dady C. Dady, 4 Prince of Wales Drive, Pune-411001

- (i) 'T' (ii) 1979-80 (iii) Rs. 13,70,000
- (iv) Rs. 15,42,300 (v) Rs. 27,730 (vi) Rs. 27,730

(5) Shri V.K. Doshi, 1197 Shukrawar Peth, Pune-411002

- (i) 'T' (ii) 1979-80 (iii) Rs. 10,34,135
- (iv) Rs. 11,94,467 (v) Rs. 415 (vi) —

(6) Shri Ashok Kumar C. Patel, F-14, Geeta Housing Society, 10 Synagogue Street, Pune-411001.

- (i) 'T' (ii) 1977-78 (iii) Rs. 10,86,000
- (iv) Rs. 11,04,100 (v) Rs. 15,740 (vi) Rs. 15,740

(7) Smt. J.N. Firodia, 1115, Ganeshkhind Road, Pune

- (i) 'T' (ii) 1977-78 (iii) Rs. 14,87,000
- (iv) Rs. 14,89,000 (v) Rs. 25,976 (vi) Rs. 25,976

(8) Smt. J.N. Firodia, 1115, Ganeshkhind Road, Pune

- (i) 'T' (ii) 1978-79 (iii) Rs. 14,85,700
- (iv) Rs. 18,13,400 (v) Rs. 37,219 (vi) Rs. 37,219

(9) Smt. J.N. Firodia, 1115 Ganeshkhind Road, Pune

- (i) 'T' (ii) 1979-80 (iii) Rs. 15,27,915
- (iv) Rs. 15,59,600 (v) Rs. 28,335 (vi) Rs. 28,335

(10) Mrs. P.H. Firodia, 1115 Ganeshkhind Road, Pune

- (i) 'T' (ii) 1979-80 (iii) Rs. 16,55,600
- (iv) Rs. 16,55,600 (v) Rs. 31,696 (vi) Rs. 31,696

(11) Shri H.K. Firodia, 1115 Ganeshkhind Road, Pune

- (i) 'T' (ii) 1978-79 (iii) Rs. 10,05,100
- (iv) Rs. 10,05,100 (v) Rs. 13,878 (vi) Rs. 13,878

(12) Shri H.K. Firodia, 1115 Ganeshkhind Road, Pune

- (i) 'T' (ii) 1979-80 (iii) Rs. 17,81,700
- (iv) Rs. 17,81,700 (v) Rs. 36,109 (vi) Rs. 36,109

(13) Late Yeshwantrao M. Mukane, Jawahar, Thane

- (i) 'T' (ii) 1979-80 (iii) Rs. 13,29,700
- (iv) Rs. 12,68,400 (v) Rs. 20,390 (vi) Rs. 20,390

(14) Shri H.E. Italia, Bombay Rustom Bag, Block 13, Byculla, Bombay.

- (i) 'T' (ii) 1979-80 (iii) Rs. 14,01,450
- (iv) Rs. 14,01,450 (v) Rs. 23,787 (vi) Rs. 23,787

(15) Master Y.G. Ghorpade Guardian Smt. PG Ghorpade, at Ichalkaranji District Kolhapur

- (i) 'T' (ii) 1978-79 (iii) Rs. 13,26,500
- (iv) Rs. 13,26,500 (v) Rs. 21,377 (vi) Rs. 21,377

(16) Master Y.G. Ghorpade, Guardian Smt. P.G. Ghorpade at Ichalkaranji, Distt. Kolhapur.

- (i) 'T' (ii) 1979-80 (iii) Rs. 12,64,900
- (iv) Rs. 13,44,200 (v) Rs. 22,360 (vi) Rs. 22,360

(17) Smt. Padmavati G. Ghorpade, at Ichalkaranji, Distt. Kolhapur

- (i) 'T' (ii) 1977-78 (iii) Rs. 14,70,400
- (iv) Rs. 14,74,600 (v) Rs. 25,617 (vi) Rs. 25,617

(18) Smt. Padma Raje Kadambande, Kolhapur

- (i) 'T' (ii) 1979-80 (iii) Rs. 11,12,800
- (iv) Rs. 10,78,900 (v) Rs. 15,725 (vi) Rs. 15,725

(19) Shri Panditrao D. Kulkarni, Ichalkaranji, Distt. Kolhapur

- (i) 'T' (ii) 1979-80 (iii) Rs. 15,39,300
- (iv) Rs. 15,39,300 (v) Rs. 28,325 (vi) Rs. 28,325

(20) Smt. Premala Raje Bhosale, Kolhapur

- (i) 'T' (ii) 1977-78 (iii) Rs. 17,58,200
- (iv) Rs. 13,21,000 (v) Rs. 21,275 (vi) Rs. 21,275

(21) Smt. Premala Raje Bhosale, Kolhapur

- (i) 'T' (ii) 1978-79 (iii) Rs. 15,06,387
- (iv) Rs. 15,05,800 (v) Rs. 26,454 (vi) Rs. 26,454

[No. Pub/Arr/WT/80-81]

K. GOPALASWAMY,

Commissioner of Wealth-tax,

(आधिक कार्य विभाग)

(बैंकिंग प्रभाग)

मई विलो, 27 फरवरी, 1981

का० अ० 826—प्रादेशिक ग्रामीण बैंक अधिनियम, 1976 (1976 का

21) की धारा 11 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एवं द्वारा श्री ललित कुमार गौड़ को अलवर-भरतपुर आंचलिक ग्रामीण बैंक, भरतपुर का अध्यक्ष नियुक्त करती है तथा 28-2-1981 से प्रारम्भ होकर 27-2-1984 को समाप्त होने वाली अधियक्ष को उस अवधि के रूप में नियुक्त करती है जिसके द्वारा श्री ललित कुमार गौड़ अध्यक्ष के रूप में कार्य करेंगे।

[संख्या एफ० 1-25/80-प्रार० आर० बी०]

बलदेव सिंह, संयुक्त सचिव

(Department of Economic Affairs)

(Banking Division)

New Delhi, the 27th February, 1981

S.O. 826.—In exercise of the powers conferred by sub-section (1) of section 11 of the Regional Rural Banks Act, 1976 (21 of 1976), the Central Government hereby appoints Shri Lalit Kumar Gaur as the Chairman of the Alwar-Bharatpur Anchali Gramin Bank, Bharatpur and specifies the period commencing on the 28th February, 1981 and ending with the 27th February, 1984 as the period for which the said Shri Lalit Kumar Gaur shall hold office as such Chairman.

[No. F. 1-25/80-RRB]

BALDEV SINGH, Jt. Secy.

मई विलो, 28 फरवरी, 1981

का० अ० 827.—भारतीय आंचलिक विकास बैंक अधिनियम, 1964

(1964 का 18) की धारा 6 की उपधारा (1) के साथ पठित उपधारा (4) के खंड (ग) के उपखण्ड (4) के प्रभुसरण में केन्द्रीय सरकार एवं द्वारा श्री आर० के० शर्मा प्रबन्ध निवेशक मण्ड प्रबन्ध स्टेट काइनेसियल कारपोरेशन को श्री ए० श्री० छल्लन के स्थान पर भारतीय आंचलिक विकास बैंक के निवेशक के रूप में तत्काल नामित करती है।

[सं० एफ० 10/35/आर० एफ० 1/80]

विनोद ठाल, निवेशक (आंचलिक वित्त)

New Delhi, the 28th February, 1981

S.O. 827.—In pursuance of sub-clause (iv) of clause (c) of sub-section (1) read with sub-section (4), of section 6 of the Industrial Development Bank of India Act, 1964 (18 of 1964), the Central Government hereby nominates Shri R. K. Sharma, Managing Director, Madhya Pradesh State Financial Corporation as Director of the Industrial Development Bank of India with immediate effect vice Shri N. V. Krishnan.

[F. No. 10(35)IF. I/80]

VINOD DHALL, Director (Industrial Finance)**बाणिज्य मंत्रालय**

नई दिल्ली, 14 मार्च, 1981

का०ग्रा० 828—नियर्ति (क्वालिटी नियंत्रण और निरीक्षण) प्रधिनियम, 1963 (1963 का 22) की धारा 17 के अस्तर्वत 1980 वर्ष के दौरान केन्द्रीय सरकार द्वारा जारी किए गए नियमों (संशोधित नियमों सहित) की तालिका।

	का०ग्रा०	तारीख संख्या
1. रंगलेप और सम्बद्ध वस्तुओं का नियर्ति (क्वालिटी नियंत्रण और निरीक्षण) नियम, 1980	356	16-2-1980
2. मिट्टी की अमकवार टाइलों का नियर्ति (क्वालिटी नियंत्रण और निरीक्षण) नियम, 1980	359	16-2-1980
3. अबरक का नियर्ति (निरीक्षण) संशोधन नियम, 1980	533	8-3-1980
4. प्रसाधन के लिए साबुन का नियर्ति (क्वालिटी नियंत्रण और निरीक्षण) नियम, 1980	1016	19-4-1980
5. नियर्ति निरीक्षण अभिकरण, कर्मचारी (वर्गीकरण, नियंत्रण और अपील) संशोधन नियम, 1980	1019	19-4-1980
6. नियर्ति निरीक्षण परियद, कर्मचारी (वर्गीकरण, नियंत्रण और अपील) संशोधन नियम, 1980	1020	19-4-1980
7. सेलिस्ट अपमार्जन का नियर्ति (क्वालिटी नियंत्रण और निरीक्षण) नियम, 1980	1023	19-4-1980
8. बासपत्री आवल का नियर्ति (निरीक्षण) नियम, 1980	1026	19-4-1980
9. मल्ट्य चूर्ण का नियर्ति (निरीक्षण) नियम, 1980	1150	26-4-1980
10. काजू की पिरियों का नियर्ति (क्वालिटी नियंत्रण और निरीक्षण) संशोधन नियम, 1980	1785	5-7-1980
11. तामचीनी के बर्तन का नियर्ति (निरीक्षण) संशोधन नियम, 1980	1786	5-7-1980
12. बेश-डे-मेयर का नियर्ति (निरीक्षण) संशोधन नियम, 1980	1787	5-7-1980
13. नियर्ति निरीक्षण अभिकरण (भर्ती) नियम, 1980	जी०ए०स० आर० सं० 794	2-8-1980
14. सफाई संबंधी और जल किटिंगों का नियर्ति (क्वालिटी नियंत्रण और निरीक्षण) नियम, 1980	का०ग्रा०स० का०ग्रा०स०	23-8-1980 2101

का०ग्रा० संख्या	तारीख
15. मछली और मछली से यनी वस्तुओं का नियर्ति (क्वालिटी नियंत्रण और निरीक्षण) संशोधन नियम, 1980	2167 30-8-1980
16. सुखाई हुई मछली का नियर्ति (क्वालिटी नियंत्रण और निरीक्षण) संशोधन नियम, 1980	2168 30-8-1980
17. सुखाई हुई मछली के पंख भौंर मछली के बाताशय का नियर्ति (क्वालिटी नियंत्रण और निरीक्षण) संशोधन नियम, 1980	2169 30-8-1980
18. धनिण का नियर्ति (क्वालिटी नियंत्रण और निरीक्षण) नियम, 1980	2213 6-9-1980
19. करी पाउडर का नियर्ति (क्वालिटी नियंत्रण और निरीक्षण) नियम, 1980	2438 20-9-1980
20. एल्यूमिनियम के बर्तनों का नियर्ति (क्वालिटी नियंत्रण और निरीक्षण) नियम, 1980	2440 20-9-1980
21. विशृत मोटर भौंर जनित्रों का नियर्ति (क्वालिटी नियंत्रण और निरीक्षण) नियम, 1980	2554 27-9-1980
22. नियर्ति निरीक्षण अभिकरण (भर्ती) संशोधन नियम, 1980	जी०ए०स० आर० स० 1080

[सं० 6(3)/81-निं०ति० तथा नि०उ०]
सी० बी० कृकरेती, संयुक्त निवेशक

MINISTRY OF COMMERCE

New Delhi, the 14th March, 1981!

S.O. 828.—Index of rules (including amending rules) issued by the Central Government during the year 1980, under section 17 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963).

S.O. No.	Date
1. Export of Paints and Allied Products (Quality Control and Inspection) Rules, 1980.	356 16-2-1980
2. Export of Glazed Earthenware Tiles (Quality Control and Inspection) Rules, 1980	359 16-2-1980
3. Export of Mica (Inspection) Amendment Rules, 1980.	533 8-3-1980
4. Export of Toilet Soaps (Quality Control and Inspection) Rules, 1980.	1016 19-4-1980
5. Export Inspection Agency Employees (Classification, Control and Appeal) Amendment Rules, 1980.	1019 19-4-1980
6. Export Inspection Council Employees (Classification, Control and Appeal) Amendment Rules, 1980.	1020 19-4-1980
7. Export of Synthetic Detergent (Quality Control and Inspection) Rules, 1980.	1023 19-4-1980

	S.O. No.	Date
8. Export of Basmati Rice (Inspection) Rules, 1980.	1026	19-4-1980
9. Export Fishmeal (Inspection) Rules, 1980.	1150	26-4-1980
10. Export of Cashew Kernels (Quality Control and Inspection) Amendment Rules, 1980.	1785	5-7-1980
11. Export of Enamelware (Inspection) Amendment Rules, 1980.	1786	5-7-1980
12. Export of Beche-de-mer (Inspection) Amendment Rules, 1980.	1787	5-7-1980
13. Export Inspection Agency (Recruitment) Rules, 1980.	G.S.R. No. 794	2-8-1980
14. Export of Sanitary and Water Fittings (Quality Control and Inspection) Rules, 1980.	S.O. No. 2101	23-8-1980
15. Export of Fish and Fishery Products (Quality Control and Inspection) Amendment Rules, 1980.	2167	30-8-1980
16. Export of Dried Fish (Quality Control and Inspection) Amendment Rules, 1980.	2168	30-8-1980
17. Export of Dried Shark Fins and Fish Maws (Quality Control and Inspection) Amendment Rules, 1980.	2169	30-8-1980
18. Export of Corriander (Quality Control and Inspection) Rules, 1980.	2213	6-9-1980
19. Export of Curry Powder (Quality Control and Inspection) Rules, 1980.	2438	20-9-1980
20. Export of Aluminium Utensils (Quality Control and Inspection) Rules, 1980.	2440	20-9-1980
21. Export of Electric Motors and Generators (Quality Control and Inspection) Rules, 1980.	2554	27-9-1980
22. Export Inspection Agency (Recruitment) Amendment Rules, 1980.	G.S.R.No. 1080	18-10-1980

[No. 6(3)/81-EI & EP]

C. B. KUKRETI, Joint Director

संयुक्त प्रधारन नियंत्रक, भारत-नियंत्रित का कार्यालय

बम्बई, 31 जनवरी 1981

सेवा में

सर्वोच्च बजाज एटोमो लिं.

महुदी

पूरा-33

भारत लाइसेंस रद्द करने के लिए यथा संशोधित भारत (नियंत्रक) आदेश 1955 दिनांक 7-12-1955 की धारा 9 के अधीन नीति।

का० आ० 829.—जबकि लाइसेंस के लिए आवेदन पत्रों के साथ आप के द्वारा प्रमुख की गई सूचियों के अनुसार भारत नीति 1979-80

के परिणाम 3 तथा 8 में वर्णित गई मदों के भारत के लिए आपने दो आर० ६० पी० ८० लाइसेंस सं० पी०/एल/2925805 दिनांक 3-4-80 मूल्य 67, 583 रुपए और लाइसेंस सं० पी०/एल/2926231 दिनांक 31-3-80 मूल्य 1,40,195 रुपए प्राप्त किए थे।

और जबकि यह रिपोर्ट की गई है कि "रील में आडियो मेनेटिक टेप कैसेट, जम्बू रोल्स, कारबूस और पानकेक्स" के भारत की स्वीकृति के लिए उक्त लाइसेंस जाली बनाए गए हैं।

और जबकि यथा संशोधित भारत (नियंत्रण) आदेश 1955 की धारा 9(सी०), 9(सी०सी०) के अनुसार उक्त लाइसेंसों को रद्द करने का प्रस्ताव है।

इसलिए आप या कोई भी बैंक या कोई भी पार्टी जो लाइसेंस सं० पी०/एल/2925805 दिनांक 3-4-80 और लाइसेंस सं० पी०/एल/2926231 दिनांक 31-3-80 में विलंबस्थी रखते हैं। उन्हें एलब्राइट यह बताने के लिए कहा जाता है कि 15 दिनों के भीतर आप यथाएं कि उक्त लाइसेंसों वो आविष्कार रद्द करने के लिए उक्त प्रस्तावित कार्रवाई करों न की जाए।

इस सूचना के प्रति आप का उत्तर के लिए अपेक्षित दस्तावेजी साक्ष के साथ अधीक्षित अधिकारी को तिर्यारित अवधि के भीतर पहुँच जाना चाहिए। और ऐसा न करने की स्थिति में यह ममक्ष लिया जाएगा कि आप को इस संबंध में कुछ नहीं कहना है और इस मामले में गुणदोष के आधार पर एक तरफ निर्णय ले लिया जाएगा। यदि आप चाहते हैं कि आप स्वयं आ कर मामले के बारे में बताएं तो व्यक्तिगत मुनाफाएँ के लिए भी आपको अवसर प्रबोधन किया जाएगा। यदि आप इस प्रबोधक का लाभ उठाना चाहते हों तो आप को चाहिए कि आप अपने प्रबोधक/भागीदार/स्वामी को व्यक्तिगत मुनाफाएँ के लिए इस सूचना में संकेतित स्थान और पते पर अधिक्षित अधिकारी को मिलने के लिए बुधवार 11 फरवरी 1981 सार्व 3.30 बजे भेज दें। यदि आप इस प्रयोजन के लिए उक्त मारीच और समय पर उपस्थित होने में असमर्थ होते हैं तो आप को आपामी सूचना दिए विना ही रिकार्ड में उपलब्ध साक्ष के आधार पर मामले पर निर्णय ले लिया जाएगा।

यदि आपके पास कोई उत्तर हो तो उसके साथ आपको उपर्युक्त मूल लाइसेंस के अनुसूचित प्रियतयों के साथ भेजने भी आवश्यक है। यदि आप ने इसका अनुपालन न किया तो भारत तथा नियंत्रित नियंत्रण अधिनियम, 1947 के अधीन और इसके अधीन आरी किए गए आदेशों के मन्त्रालय उचित दण्डनीय कार्रवाई की जाएंगी।

[सं० 32(1)/विज/80]

जी० आर० नायर, उप मूल्य नियंत्रक,
भारत-नियंत्रित

(Office of the Lt. Chief Controller of Imports and Exports
Bombay, the 31st January, 1981)

To

M/s. Bajaj Auto Limited,

Akurdi,

Poona-35.

Notice under Cl. 9 of the Imports (Control) Order, 1955
dt. 7-12-1955 as amended for cancellation of an
Import licence.

S.O. 829.—Whereas two REP licences No. P/L-2925805 dated 3-4-80 for Rs. 67583 and licence No. P/L-2926231 dt. 31-3-80 for Rs. 1,40,195 were obtained by you for import of items appearing in Appendices 3 and 8 of the Import Policy 1979-80 as per lists submitted by you alongwith the licence applications.

And whereas it has since been reported that the licences referred to above have been forged to allow import of "Audio

Magnetic Tape in reels, cassettes, Jumbo rolls, cartridges and pancakes".

And whereas it is proposed to cancel the above licences in terms of Clauses 9(c), 9(cc) and 9(d) of the Imports (Control) Order, 1955 as amended.

Now, therefore, you or any Bank or any other party having interest in licences No. P/L-2925805 dated 3-4-80 and licence No. P/L-2926231 dt. 31-3-80 are hereby called upon to show cause within 15 days why action as proposed should not be taken to cancell the said licences ab initio.

Your reply to this notice duly supported by requisite documentary evidence to substantiate your stand should reach the undersigned within the stipulated period failing which it will be presumed that you have nothing to say and the matter will be decided ex parte on merits. If you want to be heard

in person also to explain your case, an opportunity will be given to you for being heard in person. If you wish to avail of this opportunity, you should depute your Director/Partner/Proprietor to appear before the undersigned on Wednesday, 11th February, 1981 at 3.30 p.m for personal hearing at the place and address indicated in this notice. If you fail to attend the personal hearing on the date and time fixed for the same, the case will be decided on the basis of evidence on record without any further reference to you.

You are also hereby required to produce the original licences in duplicate referred to above alongwith your reply if any. Failure to heed this will invite appropriate penal action under the Imports and Exports Control Act, 1947 and the orders issued thereunder.

[No. 32(1)/Vig./80]

G. R. NAIR, Dy. Chief Controller of Imports & Exports.

पेट्रोलियम, रसायन और उर्वरक मंत्रालय

(पेट्रोलियम विभाग)

गुरुवा-पत्र

वर्ष दिल्ली, 23 फरवरी, 1981

का० आ० 830.—पेट्रोलियम और अन्य पाइपलाइन (भूमि में जप्योग के अधिकार का प्रार्जन) प्रधिनियम 1962 (1962 का 50) के प्रत्यंत सरकार, पेट्रोलियम रसायन और उर्वरक मंत्रालय (पेट्रोलियम विभाग द्वाया जारी प्रधिसूचना का० आ० सं० 1798 सं० 12020/ 14/80/प्रो० विनाक 18-6-80 के संलग्न अनुसूची में सारत के शास्त्र के धारा II, घण्ट 3, उपखण्ड (ii), विनाक 5-7-80 में प्रकाशित दिल्ली, केन्द्र शासित प्रदेश विली।

नाम ग्राम	खसरा मं०	ह०	ऐ०	बी०मी०	खसरा मं०	ह०	ऐ०	बी०मी०	के स्थान पर			पढ़े						
									1	2	3	4	5	6	7	8	9	
शाहबाद 221	48	मिन	0	00	42	1/48			मिन	0	00	42						
मीहमदपुर	58	"	0	12	65	1/58			"	0	12	65						
	59	"	0	20	23	1/59			"	0	20	23						
	60	"	0	12	65	1/60			"	0	12	65						
	61	"	0	00	84	1/61			"	0	00	84						
पोषनपुर	12/13	"	0	02	95	12/13/2			"	0	02	95						
	12/23/1	"	0	01	68	12/23/1/1			"	0	00	42						
	—	"	—	—	—	12/23/1/2			"	0	01	26						
	24/11/1	"	0	01	26	24/10/2			"	0	01	26						
	2/1	"	0	05	48	2/1/1			"	0	07	59						
अम्बरहाई	—	—	—	—	—	2/1/2			"	0	02	95						
	7/2	"	0	01	26	7/2/2			"	0	01	26						
	21/4	"	0	10	54	21/4/2			"	0	10	54						
	33/21	"	0	00	42	33/21/2			"	0	00	42						
	46/24/2	"	0	00	00	46/24			"	0	00	00						
	32/5/1	"	0	00	84	65/2			"	0	00	84						
	2/2/2	"	0	03	80	2/2			"	0	00	80						
	5/6	"	0	06	75	5/6/1			"	0	01	68						
फकरोला	—	"	—	—	—	5/6/2			"	0	05	06						
	78/25	"	0	05	91	78/25/2			"	0	05	91						
	95/5	"	0	10	54	95/5/2			"	0	10	54						
	96/11	"	0	02	11	96/11/2			"	0	01	68						
मकाना माझरा	1	"	0	00	8	1/2			"	0	00	84						
रजापुर खुर्द	15/21	"	0	01	26	30			"	0	01	26						

MINISTRY OF PETROLEUM, CHEMICALS AND FERTILIZERS

(Department of Petroleum)

CORRIGENDA

New Delhi, the 23rd February, 1981

S.O. 830.—In the Schedule appended to the notification of The Government of India, Ministry of Petroleum, Chemicals and Fertilizers (Department of Petroleum) S.O. No. 1798 No. 12020/14/80 (Prod) dated 18th June, 1980 issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of right of user in Land) Act, 1962 (50 of 1962) published at pages 2369-2386 dated 5th July, 1980 of the Gazette of India Part II—section 3—sub-section (ii) for Delhi Union Territory of Delhi.

Name Vill.	Khasra No.	H	A	Sq. M.	Khasra No.		H	A	Sq.M.
					FOR	READ			
1	2	3	4	5	6	7	8	9	
Shahbad Mohammadpur	48 Min	0	00	42	1/48 Min	0	00	42	
	58 Min	0	12	65	1/58 Min	0	12	65	
	59 Min	0	20	23	1/59 Min	0	20	23	
	60 Min	0	12	65	1/60 Min	0	12	65	
	61 Min	0	00	84	1/61 Min	0	00	84	
Pauchanpur	12/13 Min	0	02	95	12/13/2 Min	0	02	95	
	12/23/1 Min	0	01	68	12/23/1/1 Min	0	00	42	
	—	—	—	—	12/23/1/2 Min	0	01	26	
	24/11/1 Min	0	01	26	24/10/2 Min	0	01	26	
Ambarhai	2/1 Min	0	05	48	2/1/1 Min	0	07	59	
	—	—	—	—	2/1/2 Min	0	02	95	
	7/2 Min	0	01	26	7/2/2 Min	0	01	26	
	21/4 Min	0	10	54	21/4/2 Min	0	10	54	
	33/21 Min	0	00	42	33/21/2 Min	0	00	42	
	46/24/2 Min	0	00	00	46/24 Min	0	00	00	
	32/5/1 Min	0	00	84	65/2 Min	0	00	84	
Kakrola	2/2/2 Min	0	03	80	2/2 Min	0	00	00	
	5/6 Min	0	06	75	5/6/1 Min	0	01	68	
	—	—	—	—	5/6/2 Min	0	05	06	
	78/25 Min	0	05	91	78/25/2 Min	0	05	91	
	95/5 Min	0	10	54	95/5/2 Min	0	10	54	
Nawada Mazra Hastsal	96/11 Min	0	02	11	96/11/2 Min	0	01	68	
	1 Min	0	00	8	1/2 Min	0	00	84	
Razapur Khurd	15/21 Min	0	01	26	30 Min	0	01	26	
Baprola	9/22 Min	0	10	54	9/22/1 Min	0	10	54	
	41/9 Min	0	10	54	41/9/1 Min	0	05	90	
	—	—	—	—	41/9/2 Min	0	04	64	
	70 Min	0	02	95	70/2 Min	0	02	95	
	17/3 Min	0	08	01	42/3 Min	0	08	01	
	17/4 Min	0	12	22	42/4 Min	0	12	22	
	17/5 Min	0	05	06	42/5/1 Min	0	01	26	
Bakarwala	75/20 Min	0	00	84	79/20 Min	0	00	84	
	46/2 Min	0	10	11	46/2/2 Min	0	08	43	
	75/21 Min	0	08	85	79/21 Min	0	08	85	
Mundka	—	—	—	—	86/15/2 Min	0	02	95	
Ghewra	86/16/1 Min	0	02	95	86/16/1 Min	0	00	00	
	19/12 Min	0	00	84	19/12/3 Min	0	00	84	
	36/7 Min	0	10	95	36/7/1 Min	0	05	48	
	—	—	—	—	36/7/2 Min	0	05	48	
	40/1 Min	0	04	22	40/1/1 Min	0	01	26	
	—	—	—	—	40/1/2 Min	0	02	95	
	56/2 Min	0	10	55	56/2/1/ Min	0	00	00	
Ranikhera	—	—	—	—	56/2/2 Min	0	10	55	
	56/13 Min	0	10	95	56/13/1 Min	0	01	26	
	—	—	—	—	56/13/2 Min	0	09	69	
	16/16 Min	0	00	84	19/20/1 Min	0	00	84	
	103/12 Min	0	05	91	103/12/2 Min	0	04	22	
Kanjhwala	103/19 Min	0	03	80	103/19/2 Min	0	03	80	
Salahpur	11/12/2 Min	0	05	06	11/19/2 Min	0	05	06	

1	2	3	4	5	6	7	8	9
Salahpur Majra	42/24 Min	0	09	64	42/24 Min	0	09	69
Ladpur	24/10/3 Min	0	02	95	24/10/3/2 Min	0	01	26
	24/1 Min	0	10	12	24/1/2 Min	0	10	12
	24/20 Min	0	10	12	24/20/1 Min	0	08	43
	---	—	—	—	24/20/2 Min	0	01	68
Jatkhora	28/12 Min	0	10	11	28/12/1/1 Min	0	02	53
	—	—	—	—	28/12/1/2 Min	0	00	84
	---	—	—	—	28/12/2 Min	0	06	75
Bajidpur Thakran	14/22 Min	0	09	27	14/22/2 Min	0	08	43
	24/2 Min	0	10	12	24/2/2 Min	0	08	85
Auchandi	94 Min	0	00	84	98 Min	0	00	84
	71/12/2 Min	0	00	42	96 Min	0	00	42
	61/22/2 Min	0	00	84	95 Min	0	00	84
	38/21 Min	0	02	53	38/21/2 Min	0	00	42
	—	—	—	—	38/21/3 Min	0	02	11
	48/1 Min	0	09	69	48/1/1 Min	0	05	89
	—	—	—	—	48/1/2 Min	0	03	80
	53/10 Min	0	10	11	53/10/1 Min	0	02	11
	—	—	—	—	53/10/2 Min	0	08	01
	53/11 Min	0	10	11	53/11/1 Min	0	05	06
	—	—	—	—	53/11/2 Min	0	03	37
	—	—	—	—	53/11/3 Min	0	01	68

[No. 12020/14/80/Prod.]

का० आ० 831.—पेट्रोलियम और बनिंज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) प्रधिनियम 1962 (1962 का 50) के अंतर्गत भारत सरकार पेट्रोलियम भवायत और उर्वरक भवायत (पेट्रोलियम विभाग द्वारा जारी प्रधिसूचना का०आ०स० 1798 सं० 12020/14/80/प्र०) विभाक 18-6-80 के संलग्न अमुख्यों से भारत के राजपत्र के भाग II, खण्ड 3, उपखण्ड (ii) विभाक 5-7-80 में प्रकाशित विस्तीर्ण, केन्द्रशासित प्रदेश विस्तीर्ण

नाम भाषा	बसरा सं०	ह०	ऐ०	ब०मी०	बसरा सं०	ह०	ऐ०	ब०मी०		
1	2	3	4	5	6	7	8	9		
सलाहपुर	11/12/2 23/19	मिन	0	05	64	11/12/2 23/9	मिन	0	05	48
मटियाला	13/19	"	0	00	34	13/19	"	0	00	84
नवादा भाजरा	858	"	0	00	00	868	"	0	00	00
भाजरा हस्तसाल	859	"	0	16	44	869	"	0	16	44
बापड़ोला	10/23	"	0	01	25	10/23	"	0	01	26
नकरबाना	3/10 124 17/1	"	0	10	11	3/18 3/24 11/17/1	"	0	10	11
कर्मावता	76/25 89/5	"	0	09	25	76/25 89/5	"	0	09	28
लालपुर	6/7 45/7	"	0	10	98	6/7 45/7	"	0	10	95
जटखोड़	42/12	"	0	04	54	42/12	"	0	04	64
ओवन्ही	53/26 18/5	"	0	09	84	53/26 18/5	"	0	00	84
			0	09	07	18/5	"	0	09	27

[सं० 12020/14/80-प्र०]

S.O. 831.—In the Schedule appended to the notification of the Government of India, Ministry of Petroleum, Chemicals and Fertilizers (Department of Petroleum) S.O. No. 1798 No. 12022/14/80 (Prod.) dated 18th June, 1980, issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of right of user in Land) Act, 1962 (50 of 1962) published at pages 2369-2386 dated 5th July, 1980 of the Gazette of India Part II Section-3, sub-section (ii) for Delhi Union Territory of Delhi.

Name Vill.	Khasra No.	For			Read			
		H	A	Sq.M	Khasra No.	H	A	Sq.M
1	2	3	4	5	6	7	8	9
Bajidpur Thakran	14/21 Min	0	10	12	14/2/1 Min	0	10	12
Auchandi	48/11/2 Min	0	08	05	48/11/2 Min	0	08	85
Bharthal	53/21 Min	0	10	95	54/21 Min	0	10	95
Pauchanpur	24/2 Min	0	00	42	16/24/2 Min	0	00	42
Matiala	25/2 Min	0	10	96	16/25 Min	0	10	96
	39/10 Min	0	82	11	39/10 Min	0	02	11
	39/11 Min	0	88	43	39/11 Min	0	08	43
Kanjhwawla	101/20 Min	0	04	22	101/21 Min	0	04	22
Ladpur	17/15/1 Min	0	01	26	17/16/1 Min	0	01	26
	33/10/1 Min	0	08	43	33/18/1 Min	0	08	43

[No. 12020/14/80-Prod.]

नई दिल्ली, 3 मार्च, 1981

का० आ० 832:—यतः केन्द्रीय सरकार को यह प्रतीत होगा है कि लोकतंत्र में यह आवश्यक है कि गुजरात राज्य में जी० जी० एम० सोभासण II से सी० टी० एफ० सोभासण तक पेट्रोलियम के परिवहन के लिये पाठ्यकाल तेल तथा प्राकृतिक गैस पायोग डारा बिलाई जानी चाहिए।

ओर यतः यह प्रतीत होता है कि ऐसी लाइनों को बिलाने के प्रयोगन के लिये एस्ट्रोबद अनुसूची में अंगूष्ठ भूमि में उपयोग का अधिकार अंगूष्ठ करना आवश्यक है।

यतः अब पेट्रोलियम ओर खनिज पाइपलाइन (भूमि में उपयोग का अधिकार का अंगूष्ठ) अधिनियम, 1962 (1962 का 50) की धारा 3

की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अंगूष्ठ करने का अपना आवश्य एतद्वारा घोषित किया है।

वर्णन कि उक्त भूमि में हितबद्ध कोई व्यक्ति, उस भूमि के नीचे पाष्ठ लाइन बिलाने के लिए आक्रोप सक्षम अधिकारी तेल तथा प्राकृतिक गैस पायोग, निर्माण और वेखभाल प्रभाग, मकरपुरा रोड, वडोदरा-9 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

ओर ऐसा आक्रोप करने वाला हर व्यक्ति विनिर्दिष्टतः यह भी कथन करेगा कि क्या वह यह चाहता है कि उसकी सुनवाई व्यक्तिगत ही या किसी विधि व्यवसायी की मार्फत।

अनुसूची

जी० जी० एम० सोभासण-II से सी० टी० एफ० सोभासण तक पाठ्य लाइन बिलाने के लिए।

जिला व तालुका : मेहसाना

गाँव	लोक नं०	हेक्टेयर	ए०प्रार०इ०	सेटीयर	लोक नं०	हेक्टेयर	ए०प्रार०इ०	सेटीयर
कमुदन	463	0	02	10	467	0	02	40
	466	0	09	90	465	0	22	80
	472	0	00	15	कार्ट ट्रैक	0	02	10
	638	0	00	15	637	0	13	70
	611	0	16	20	615	0	13	50
	610	0	05	25	607	0	15	15
	535	0	14	70	534	0	09	90
	533	0	07	50	532	0	01	20
	537	0	07	50	कार्ट ट्रैक	0	00	75
	544	0	09	00	549	0	06	00
	कार्ट ट्रैक	0	00	75	559	0	22	05
	560	0	07	65	561	0	01	20
	562	0	07	00	564	0	00	50
	कार्ट ट्रैक	0	00	50	565	0	12	00
	567	0	11	40	1013	0	15	30
	1016	0	02	75	1012	0	01	60
	1018	0	05	70	1917	0	06	30
	कार्ट ट्रैक	0	01	05	1050/1/ए	0	17	40
	1051	0	10	95	1048/ए	0	05	40
	1045	0	05	48	1046	0	08	85
	1044/2	0	11	40	1058	0	09	15
	कार्ट ट्रैक	0	00	90	1061	0	09	60
	1059	0	06	90	1062	0	17	85
	1079	0	04	80	1080	0	06	30
	1078	0	08	10	1077	0	05	40

New Delhi, the 3rd March, 1981

S.O. 832.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from GGS Sobhasan II to C.T.F. Sobhasan in Gujarat State pipeline should be laid by the Oil and Natural Gas Commission;

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals

Pipelines (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Oil and Natural Gas Commission, Construction and Maintenance Division, Makarpura Road, Vadodara (390009).

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by a legal practitioner.

SCHEDULE

Pipeline From GGS Sobhasan II to C.T.F. Sobhasan

State : Gujarat

District & Taluka : Mehsana

Village	Block No.	Hectare	Are	Centiare	Block No.	Hectare	Are	Centiare
Jagudan	463	0	02	10	467	0	02	40
	466	0	09	90	465	0	22	80
	472	0	00	15	Cart track		02	10
	638	0	00	15	637	0	13	70
	611	0	16	20	615	0	13	50
	610	0	05	25	607	0	15	15
	535	0	14	70	534	0	09	90
	533	0	07	50	532	0	01	20
	537	0	07	50	Cart track		00	75
	544	0	09	00	549	0	06	00
	Cart track	0	00	75	559	0	22	05
	560	0	07	65	561	0	01	20
	562	0	07	00	564	0	00	50
	Cart track	0	00	50	565	0	12	00
	567	0	11	40	1013	0	15	30
	1016	0	02	75	1012	0	01	60
	1018	0	05	70	1917	0	06	30
	Cart track	0	01	05	1050/1/A	0	17	40
	1051	0	10	95	1048/A	0	05	40
	1045	0	05	48	1046	0	08	85
	1044/2	0	11	40	1058	0	09	15
	Cart track	0	00	90	1061	0	09	60
	1059	0	06	90	1062	0	17	85
	1079	0	04	80	1080	0	06	30
	1078	0	08	10	1077	0	05	40

[No. 12016/9/81-Prod.I]

S.O. 833.—यह केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह अवधिक है कि गुजरात राज्य में जी० जी० एम० सोभासन II से जी० टी० एफ० सोभासन तक पेट्रोलियम के परिवहन के लिये पालामाइन तेज तथा प्राकृतिक गैस आपोग हारा बिलाई जानी चाहिए।

और यह प्रतीत होता है कि ऐसी लाइनों को बिलाने के प्रयोजन के लिये एनडायरु अनुमति, भूमि में उपयोग का अधिकार की तरह वाला हर अधिकार विनियोगः यह भी कबन करेगा कि क्या वह यह लाइन को उपयोग का अधिकार अन्तिम तरीके से लाइन बिलाने के लिए।

अब: अब पेट्रोलियम और अन्तिम पालामाइन (भूमि में उपयोग का अधिकार का इंजेन) प्रधानियम, 1962 (50 of 1962 का 50) की अध्या 3 की उपस्थान (1) हारा प्रदल शक्तियों का प्रयोग करने से तुप केन्द्रीय सरकार ने उपर्योग का अधिकार अन्तिम करने का अपना वाश्य प्रदान घोषित किया है।

1377 GT/80-3

वर्गाते कि उक्त भूमि में हिरण्य कोई व्यक्ति, उस भूमि के लोक पाल लाइन बिलाने के सिए आक्रोप समझ प्राप्तिकारी, तेव तथा प्राकृतिक जैस वायोग, नियमित प्रौद्योगिक विकास, मकरपुरा रोड, बड़ोदरा-9 की दूर अधिसूचना की तरीके से 21 दिनों के भीतर वर महोगा।

और ऐसा आक्रोप करने वाला हर अधिकार विनियोगः यह भी कबन करेगा कि क्या वह यह लाइन को उपयोग का अधिकार सुनकाई व्यक्तिगत हो या किसी विधि अवलोकी को मार्फत।

अनुसूची

जी० जी० एम० सोभासन II से जी० टी० एफ० सोभासन तक पालामाइन बिलाने के लिए।

राज्य : गुजरात

जिला व नामका : भेहसाना

गांधी	स्लोक नं.	हेक्टेयर	एकड़ीरहा	सेंटीयर	1	2	3	4	5
पुनासन	404/2	0	15	75		372	0	00	40
	403	0	09	45		373	0	12	45
	402	0	05	60		374	0	11	40
	372	0	00	40		393	0	04	80
	373	0	12	45		392	0	10	20
	374	0	11	40	Cart track	0	01	35	
	393	0	04	80	391	0	04	65	
	392	0	10	20	390	0	13	35	
कार्ट्रैक	0	01	35		432	0	03	20	
	391	0	04	65	431	0	02	80	
	390	0	13	35	433	0	04	50	
	432	0	03	20	434	0	07	50	
	431	0	02	80	90	0	03	00	
	433	0	04	50	4	0	08	25	
	434	0	07	50	3	0	07	35	
	90	0	03	00	Cart track	0	00	60	
	1	0	08	25	68	0	15	60	
	3	0	07	35	67	0	00	90	
कार्ट्रैक	0	00	60		87	0	09	00	
	68	0	15	60	74	0	00	45	
	67	0	00	90	86	0	17	40	
	87	0	09	00	85	0	02	25	
	74	0	00	45	80	0	00	10	
	86	0	17	40	82	0	16	50	
	85	0	02	25	81	0	00	95	
	80	0	00	10	Cart track	0	01	20	
	82	0	16	50					
	81	0	00	95					
कार्ट्रैक	0	01	20						

[सं. 12016/9/81-प्र०-II]

[No. 12016/9/81-Prod.-II]

कांथा० 834—यह कांथीय भरकार गो यह प्रवित होता है कि लोकहिन में यह ग्रावरक है कि गुजरात राज्य में उसके काढ़ी जी० जी० एस० से उत्तर काढ़ी सी० टी० ८५० एक०० तक पेट्रोलियम के परिवहन के लिये पाइपलाइन तेल तथा प्राकृतिक गैस आयोग द्वारा विलाई जानी चाहिए।

प्रीम यस प्रतीकान्त होता है कि ऐसी लाइनों को बिछाने के प्रयोगने के लिये पत्रपाकड़ अन्मुची में वर्षित वर्ष में उपयोग का अधिकार अर्जित करना आवश्यक है।

अब अब पेट्रोलियम और अन्य पाइपलाइन (भूमि में उपयोग के अधिकार का अन्तर) प्रवितियम् 1962 (1962 का 50) की भारा० ३ में उपस्थान (१) द्वारा प्रवर्ण गणियों का ज्योग करते हुए केंद्रीय सरकार ने उसमें उपयोग का प्रधिकार अर्जित करने का प्रयत्न आशय प्राप्त हुआ है।

वर्तमान के उस भूमि में जितने कोई व्यक्ति, उस भूमि के सीधे पाइपलाइन बिछाने के लिये आवेदन संक्षम प्रधिकारी, तेल तथा प्राकृतिक गैस आयोग, निर्माण सी० देवभूमि प्रशासन, मकरपुरा शो० अंशदेशरा ७ को एक संधियुक्तनामी दी जारी है २१ दिनों के भीतर कर सकेगा।

मोर लेस आवेदन करने वाला हर व्यक्ति विनिर्दित ५८ भी करने करेगा कि क्या वह यह जानता है कि उसकी सुनवाई दीक्षित गो या यह विधि अवसारी की मार्फत।

अनुसूची

उन्नर काढ़ी जी० जी० एस०-१ से उत्तर काढ़ी सी० टी० ८५० तक पाठ्य लाइन बिछाने के लिए।

राज्य : गुजरात	जिला : अहमदाबाद नालका०	विरमगाम		
लाइन	संख्या नं०	हेक्टेयर	एकड़ीरहा	सेंटीयर
तेलवाडी	226/43	0	18	60
	226/27/पी०	0	04	89
	226/27/पी०	0	02	85

[सं. 12016/10/81-प्र०-II]

S.O. 833.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from GGS Sobhasan II to C.T.F. Sobhasan in Gujarat State pipeline should be laid by the Oil and Natural Gas Commission;

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Oil and Natural Gas Commission, Construction and Maintenance Division, Makarpura Road, Vadodara (390009).

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by a legal practitioner.

SCHEDULE

Pipeline from GGS Sobhasan II to C.T.F. Sobhasan
State : Gujarat District & Taluka : Mehsana

Village	Block No.	Hectare	Are	Centiare
1	2	3	4	5
Punasan	404/2	0	15	75
	403	0	09	45
	402	0	05	60

S.O. 834.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from N. Kadi GGS I to N. Kadi C.T.F. in Gujarat State pipeline should be laid by the Oil and Natural Gas Commission;

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Oil and Natural Gas Commission, Construction and Maintenance Division, Makarpura Road, Vadodara (390009).

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by a legal practitioner.

SCHEDULE

R.O.U. for N. Kadi GGS I to N. Kadi CTF.

State : Gujarat District : Ahmedabad Taluka : Viramgam

Village	Survey No.	Hectare	Area	Centiare
Telavi	226/43	0	18	60
	226/27/P	0	04	80
	226/27/P	0	02	85

[No. 12016/10/81-Prod.-I]

का०आ० 835.—यह केंद्रीय मरकार को यह प्रतीत होता है कि लोकतिन में यह दावशक है कि गुजरात राज्य में टी० कनेक्शन से जी० जी० एस०-II उत्तर कड़ी शक पेट्रोलियम के परिवहन के लिये पाइप लाइन तेल यथा प्रकृतिक गैस आ०ग द्वारा बिलाई जानी चाहिए।

प्री॒ यह॑ यह प्रनाल होती है कि गैसी यांत्रिकों को विद्याने के प्रयोजन के लिये एन्ड्रेवाल्ड अन्तर्राष्ट्री में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

प्र॒ अब प्रेसेलियम श्रीर. अनिल पाण्डितानन् (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 का उल्लंघन (1) द्वारा पश्चिम शक्तियों का प्रयोग करने हेतु केंद्रीय मरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना प्राण्य अस्वीकार घोषित किया है।

वृप्ते नि उस भूमि में हितवट कोई आकिन उम भूमि है नीचे पाण्डितानन् विद्याने के लिए ग्रामीण पश्चिम प्रशिक्षणी नेप यथा प्राकृतिक गैस प्रयोग त्रिविणि और देखभाल प्रभाग मकरुगा दोड, डोडांगरा-9 को १५ वर्गमुक्ति वी नं.०८ में २१ विनों के भीतर कर नकेता।

सौर भै ग्रामीण शक्ति वाला हूँ अपनि विनिर्दिष्टः यह भी लक्ष्य करेगा। एक वक्ता वह यह चाहता है कि उसकी मुकवाई व्यक्तिगत हो या किसी विं अवधारी की मर्का।

अनुसूची

नी० कनेक्शन से जी० जी० एस॒ उत्तर कड़ी [एक पाइप लाइन विद्याने के लिए।

राज्य : गुजरात प्रहमदावाद नालूका : विरमगम

ग्राम	मृष्ट नं०	हेक्टर	एकार्ड में-टीयर
ग्रामदावान	110/2	0	07 63
	111/2	0	09 84
	411/1	0	03 45

[मं० 12016/10/81-प्र॒-II]

टी० ग्राम प्रमेण्यगम, प्रबन्ध अधिकारी

S.O. 835.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from T. Connection to N.K. GGS II in Gujarat State pipeline should be laid by the Oil and Natural Gas Commission;

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein:

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Oil and Natural Gas Commission, Construction and Maintenance Division, Makarpura Road, Vadodara (390009).

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by a legal practitioner.

SCHEDULE

Pipeline from T. Connection to N.K. GGS II

State : Gujarat District : Ahmedabad Taluka : Viramgam

Village	Survey No.	Hectare	Area	Centiare
Balsasun	410/2	0	07	6
	411/2	0	09	84
	411/1	0	03	45

[No. 12016/10/81-Prod.-II]

T. N. PARAMESWARAN. Under Secy.

(राज्यपत्र और उत्तरक विभाग)

नई विल्ली, 13 करवारी, 1981

का०आ० 836.—केंद्रीय सरकार, ग्रामभाग (सभ के लासकीय प्रयोजन के लिये प्रयोग) नियम, 1976 के नियम 10 के उपनियम (4) के अनुमति में, केंद्रीय मरकार निम्नलिखित उपक्रमों/एकार्डों तथा विषयन कार्यालयों को, जो राज्यान्तरीय उत्तरक विभाग के नियन्त्रण में हैं, जिसके कर्मचारी बृद्ध ने हिन्दू का कार्यालयक जान प्राप्त कर लिया है, अधिकृत घोषित करती है—

I. हिन्दूस्तान इन्सेनिटिटाइट्स लिमिटेड, हंस भवन, विं-1, वहादुरखाल जफर मार्ग, नई विल्ली-110002

II. गढ़ीय कैमिकल्स एण्ड फार्माचिटीज (प्रार०सी०एफ०सी०) के निम्नलिखित क्षेत्रीय विषयन कार्यालय—

1. क्षेत्रीय कार्यालय, प्रार०सी०एफ०सी०, ए-१, अपार्टमेंट, कुसुब हॉटल, नई विल्ली-110016

2. क्षेत्रीय कार्यालय, प्रार०सी०एफ०सी०, १-५०, पेलेन गोड, यंगलौर-५६०००१

3. क्षेत्रीय कार्यालय, प्रार०सी०एफ०सी०, पाल्वा मजिल, "पुण्यक", खानपुर, अहमदाबाद-३८०००१

4. क्षेत्रीय कार्यालय, प्रार०सी०एफ०सी०, नजदीक श्रीराम ग्रामोदायल, भर्जीपुरा, अहमदनगर।

5. क्षेत्रीय कार्यालय, प्रार०सी०एफ०सी०, "राधाकान्ती", १९ सोकार प्लाट्टम, बाईलापनकार नगर, हुड्डली-५८००२२।

6. क्षेत्रीय कार्यालय, प्रार०सी०एफ०सी०, ९४, कनाल रोड, यासदार पथ, नागपुर-४४००१०।

7. क्षेत्रीय कार्यालय, प्रार०सी०एफ०सी०, श्रीरामगढ़ा

8. थेन्टीय कार्यालय, आर०सी०एफ०सि०, भविकास बैंक बिलिंग
नजदीक सेन्ट्रल एम०टी०, स्टैर्ल, कोलकाता।
9. थेन्टीय कार्यालय, आर०सी०एफ०सि०, 47, गताया रोड, खाके
इंडस्ट्रीज बिलिंग, नजदीक राफून हॉटल, स्कारोट, पूर्ण।
10. नेमिलताडु थेन्टीय कार्यालय, आर०सी०एफ०सि०, 38, वैन्डम
रोड, एग्जेंट, मद्रास-600003.
11. अब एवं मम्पक कार्यालय, आर०सी०एफ०सि०, घर्वर्स।

III. 1. पाइराइट्स फास्पेक्ट्रम एंड बैमिकल्स लि०, मुख्यालय, उद्धर्ण-
मान-सोन, फ०० रोहताम (बिहार)

2. संस्कीर्ति फास्फोराइट परियोजना, 1-ए०.सी०, रवीन्द्रनाथ टैगोर मार्ग,
देहरादून-248001

4. फिटिकाइजर कारपारिंग आफ शिल्प लि०, (गोरखपुर मृन्ट),
पो०ओ० फिटिकाइजर फैक्टरी, गोरखपुर-273007।

[सं०६०-11011/3/80-हन्दी]
सी०आर० जानन, अवर सचिव

(Department of Chemical and Fertilizer)

New Delhi, the 13th February, 1981

S.O. 836.—In pursuance of Sub-rule(4) of Rule 10 of the Official Language (use for official purposes of the Union) Rules, 1976, the Central Government hereby notifies the following Undertakings/Units and Marketing Offices, under the control of Department of Chemicals and Fertilizers, the staff whereof have acquired the working knowledge of Hindi :—

I. Hindustan Insecticides Limited, Hans Bhavan, wing-I,
Bahadur Shah Zafar Marg.

NEW DELHI-110002

II. Following Regional/Marketing Offices of Rashtriya Chemicals and Fertilizers Limited (R.C.F. Ltd.) :—

1. Regional Office, R.C.F. Ltd., A-I, Apartment, Kutube Hotel, NEW DELHI-110016
2. Regional Office, R.C.F. Ltd., I.E, Palace Road, BANGALORE-560001
3. Regional Office, R.C.F. Ltd., 5th Floor, Pushpak, Khanpur, AHMEDABAD-380001
4. Regional Office, R.C.F. Ltd., Near Shreeram Automobiles, Aurlepura, AHMEDNAGAR
5. Regional Office, R.C.F. Ltd., 'Dakshayani', 19, Sowkar Plots, Bylapnvar Nagar, HUBLI-580022
6. Regional Office, R.C.F. Ltd., 94, Canal Road, Ramdaspeth, NAGPUR-440010
7. Regional Office, R.C.F. Ltd., AURANGABAD
8. Regional Office, R.C.F. Ltd., 'Bhovikas Bank' Buldg., Near Central S.T. Stand, KOLHAPUR
9. Regional Office, R.C.F. Ltd., 47-Satara Road, Bakre Industries Bld., Near Shakun Hotel, Swarjate, PUNE-9
10. Tamil Nadu Regional Office, R.C.F. Ltd., 38, Pantheon Road, Egmore, M. MADRAS-600008
11. Purchase and Liason Office, R.C.F. Ltd., BOMBAY

III. 1. Pyrites Phosphates & Chemicals Ltd., Head Office

Delhi-On-Sone, Dist-Rohtas (Bihar)

2. Mussorie Phosphate Project, I-A-B, Ravindra Nath Tagore, Marg, DEHRADUN-248001
- IV. Fertilizer Corporation of India Ltd., (Gorkahpur Unit), P.L. Fertilizer Factory, GORAKHPUR-273007

[No. E11011/3/80-Hindi]

C. R. CHANAN, Under Secy.

MINISTRY OF AGRICULTURE

(Department of Food)

CORRIGENDUM

New Delhi, the 20th February, 1981

S.O. 837.—In the English version of the Order of the Government of India in the Ministry of Agriculture (Department of Food) No. S.O. 2577, dated the 11th September, 1980, published in the Gazette of India Part II, Section 3, Sub-Section (ii), dated the 27th September, 1980, in the first proviso to clause 2(b) of the above order, for the words and figures "clauses (i) to (vi) of sub-regulation (1) of regulation 17", read the words and figures "clause (iv) to (vii) of sub-regulation (1) of regulation 17".

[F. No. 6-2/79-SC]
A. K. GARDE, Dy. Secy.

ग्रामीण पुनर्निर्माण मंत्रालय

विपणन और निरोक्षण विभाग

फरीदाबाद, 10 फरवरी, 1981

S.O. 838.—शीतागार आदेश, 1980, एम०ओ० संख्या 2453, दिनांक 1-9-1980 की भाग 2(एच) के अधीन प्रदत्त विधियों का प्रयोग करते हुए मैं मंत्रकल हाविप विषयन सलाहकार भारत मरकार फरीदाबाद, और उच्चपि विषयन सलाहकार, भारत मरकार बम्हई को तत्काल प्रभाव से शीतागार आवेदन के अधीन स्वीकृत शीतागार प्रत्यक्षिति के नवीनीकरण के अधिकार प्रदान करता हूँ।

[सं० 16/1/79-सी प्र०]
गोपाल शरण शुक्ल, हाविप विषयन सलाहकार

MINISTRY OF RURAL RECONSTRUCTION

Date of Marketing & Inspection

Faridabad, the 10th February, 1981

S.O. 838.—In exercise of the powers conferred on me vide Clause 2(h) of the Cold Storage Order 1980, S.O. No. 2453 dated 1-9-80, I hereby delegate powers for renewal of cold storage licence granted under the Cold Storage Order to the Joint Agricultural Marketing Adviser to Government of India, Faridabad, and Dy. Agricultural Marketing Adviser to the Govt. of India, Bombay, with immediate effect.

[No. 16/1/79-CS]
G. S. SHUKLA, Agricultural Marketing Adviser

नौवहन और परिवहन मंत्रालय

(परिवहन पक्ष)

नई दिल्ली, 26 फरवरी, 1981

S.O. 839.—केन्द्रीय मरकार दिल्ली परिवहन निगम (मदस्स) नियम, 1973 के नियम 3 के मध्य पक्षी मरकार परिवहन नियम अधिनियम, 1950 (1950 की 64) की धारा 5 की उप-धारा (1)

द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए इस अधिसूचना के प्रारंभ थीं पी० एम० बहल, प्रशासक, नई दिल्ली नगरपालिका को 26 फरवरी, 1981 से दिल्ली परिषद्धत् नियम का मददगर नियम करती है और भारत सरकार के नीयत हैं और परिषद्धत् नियम (परिषद्धत् पक्ष) की अधिसूचना सं० काला० 238(क), दिनांक 1 मई, 1979 से नियमित नियमित संशोधन करती है; अधर्ता:—

उक्त अधिसूचना में, पैरा 1 में, भव (8) के सामने नियमित नियमित संशोधन करते हैं—

“श्री पी० एम० बहल,

प्रशासक,

नई दिल्ली नगरपालिका।”

[फाइल सं० टी० जी० डी० (9)/79]
बी० आर० चड्हाण, उप-अधिकारी

MINISTRY OF SHIPPING & TRANSPORT

(Transport Wing)

New Delhi, the 26th February, 1981

S.O. 839.—In exercise of the powers conferred by sub-section (1) of section 5 of the Road Transport Corporations Act, 1950 (64 of 1950), read with rule 3 of the Delhi Transport Corporation (Member) Rules, 1973, the Central Government hereby appoints Shri P. N. Bahl, Administrator, New Delhi Municipal Committee, New Delhi as a member of the Delhi Transport Corporation with effect from 26th February, 1981 and makes the following further amendments in the Notification of the Government of India in the Ministry of Shipping and Transport (Transport Wing) No. S.O. 238(E), dated the 1st May, 1979, namely:—

In the said notification in paragraph 1 against the item (viii), the following shall be inserted:

“Shri P. N. Bahl,

Administrator,

New Delhi Municipal Committee.”

[File No. TGD(91)/79]

B. R. CHAVAN, Dy. Secy.

सूचना और प्रसारण मंत्रालय

नई दिल्ली, 12 फरवरी, 1981

काला० 840.—केन्द्रीय सरकार, प्रेस परिषद, अधिनियम, 1978 (1978 का 37) की धारा 6 की उप-धारा (6) के माध्य पठित धारा 5 की उप-धारा (3) के उप-व्यष्टि (क) के अनुसरण में डा० घर्मवीर भारती जो, श्री जी० एम० नलवालकर के स्थान पर मददगर के रूप में अधिसूचित करती है और भारत सरकार के सूचना और प्रसारण मंत्रालय की अधिसूचना सं० काला० 116(ग्र), तारीख 28 फरवरी, 1979 का नियमित नियमित संशोधन करती है, अधर्ता:—

उक्त अधिसूचना में कम सं० 3 के नामने “श्री जी० एम० नलवालकर” प्रविष्टि के स्थान पर नियमित प्रविष्टि रखी जाएगी, अधर्ता:—

“डा० घर्मवीर भारती”

[काला० 4/23/80-प्र०]

सुरेश माथूर, मंयकृत मंचित्र

MINISTRY OF INFORMATION AND BROADCASTING

New Delhi, the 12th February, 1981

S.O. 840.—In pursuance of sub-clause (a) of sub-section (3) of section 5 read with sub-section (6) of section 6 of the Press Council Act, 1978 (37 of 1978) the Central Government hereby nominates Dr. Dharam Vir Bharati as member of the Press Council of India vice Shri G. S. Talwalkar

and makes the following amendment in the notification of the Government of India in the Ministry of Information and Broadcasting No. S.O. 116(E), dated the 28th February, 1979 namely:—

In the said notification against serial number 3 for the entry “Shri G. S. Talwalkar” the following entity shall be substituted, namely:—

“Dr. Dharam Vir Bharati”

[F. No. 4/23/80-Press]

SURESH MATHUR, Lt. Secy.

नई दिल्ली, 28 फरवरी, 1981

काला० 841.—जल नियंत्रण (मंत्रालय) नियम, 1958 के नियम 10 के माध्य पठित जलसिद्ध अधिनियम, 1952 (1952 का 37) की धारा 5 की उप-धारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार गृह संवालय में केन्द्रीय मन्त्रियों सेवा के घट-1 के स्थानापन्थ अधिकारी श्री आर० महादेवन को 9-2-1981 के पूर्वान्तर से प्रगते आवेदन सक, प्रतिनिधित्वित पर, अपर प्रांतिक अधिकारी, केन्द्रीय फिल्म संसद बोर्ड, मद्रास के पद पर स्थानापन्थ रूप से नियुक्त करती है।

[फाइल सं० 802/33/80-एफ(सा)]

कौण्सिल वेकटगमन डेस्क अधिकारी

New Delhi, the 28th February, 1981

S.O. 841.—In exercise of the powers conferred by sub-section (2) of Section 5 of the Cinematograph Act, 1952 (37 of 1952), read with rule 10 of the Cinematograph (Censorship) Rules, 1958, the Central Government is pleased to appoint Shri R. Mahadevan, an officiating Grade I officer of the Central Secretariat Service in the Ministry of Home Affairs, to officiate as Additional Regional Officer, Central Board of Film Censors, Madras, on deputation terms, with effect from 9-2-1981 F. N. until further orders.

[F. No. 802/33/80-FC]

K. S. VENKATARAMAN, Desk Officer

संचार मंत्रालय

(आकृतार बोर्ड)

नई दिल्ली, 27 फरवरी, 1981

काला० 842.—स्थायी आदेश संघा 627, दिनांक 8 मार्च, 1960 द्वारा लागू किये गये भारतीय नार नियम, 1951 के नियम 434 के खंड III की पैरा (क) के अनुसार डाक-नार भारतियेष्वर ने मूलपाठ टेलीफोन केन्द्र में दिनांक 16-3-81 में प्रमाणित दर प्रणाली लागू करते का नियमित किया है।

[संघा 5-6/81-पी०-एब०व०]

MINISTRY OF COMMUNICATIONS

(P & T Board)

New Delhi, the 27th February, 1981

S.O. 842.—In pursuance of para (a) of Section 10 of Rule 434 of Indian Telegraph Rules, 1951, as introduced by S.O. No. 627 dated 8th March, 1960, the Director General, Posts and Telegraphs, hereby specifies 16-3-1981 as the date on which the Measured Rate System will be introduced in Mulapadu Telephone Exchange Andhra Pradesh Circle.

[No. 5-6/81-PHBB]

का० आ० 843.—स्थायी आदेश संख्या 627, दिनांक 8 मार्च, 1960 द्वारा लागू किये गये भारतीय तार नियम, 1951 के नियम 434 के अंडे III के पैरा (क) के अनुसार डाक-तार महानिवेशक ने बेसमचेल, इंदुपलपाड़, पन्नूलूर, बुचिरेहिपालेम, चन्दलूर, सिद्धिपुरम, टैलीफोन केन्द्र में दिनांक 16-3-81 से प्रमाणित दर प्रणाली लागू करने का निष्पत्र किया है।

[संख्या 5-6/81-पी०एच०वी०]

S.O. 843.—In pursuance of para (a) of Section III of Rule 434 of Indian Telegraph Rules, 1951, as introduced by S.O. No. 627 dated 8th March, 1960, the Director General, Posts and Telegraphs, hereby specifies 16-3-1981 as the date on which the Measured Rate System will be introduced in Betamcherla, Indupulapadu, Pangulur, Buchireddipalem, Chandulur, Siddipuram Telephone Exchanges Andhra Pradesh Circle.

[No. 5-6/81-PHB]

नई दिल्ली, 5 मार्च, 1981

का० आ० 844.—स्थायी आदेश संख्या 627, दिनांक 8 मार्च, 1960 द्वारा लागू किये गये भारतीय तार नियम, 1951 के नियम 434 के अंडे III के पैरा (क) के अनुसार डाक-तार महानिवेशक विवाद टैलीफोन केन्द्र में दिनांक 16-3-81 से प्रमाणित दर प्रणाली लागू करने का निष्पत्र किया है।

[संख्या 5-9/81-पी०एच०वी०]
भारत सौ० कटारिया, महानिवेशक
(पी० एच० वी०)

New Delhi, the 5th March, 1981

S.O. 844.—In pursuance of para (a) of Section III of Rule 434 of Indian Telegraph Rules, 1951, as introduced by S.O. No. 627 dated 8th March, 1960, the Director General, Posts and Telegraphs, hereby specifies 16-3-1981 as the date on which the Measured Rate System will be introduced in Daman Telephone Exchange, Gujarat Circle.

[No. 5-9/81-PHB]

R. C. KATARIA, Assistant Director General (PHB)

श्रम मंत्रालय

आदेश

नई दिल्ली, 15 नवम्बर, 1980

का० आ० 845.—केन्द्रीय सरकार की राय है कि इससे उपायद्रष्टव्य प्रनुभवी में विनियित विवाद के बारे में स्टेंड बैंक आफ मैसूर, बंगलौर के प्रबन्ध-मंडल से सम्बद्ध एक ग्राहीयिक विवाद नियोजकों और उनके कर्मकारों के बीच विश्वासन है;

और केन्द्रीय सरकार उक्त विवाद को व्यायनिर्णयन के लिये नियंत्रित करना चाहनीय समझती है;

गण, केन्द्रीय सरकार, ग्राहीयिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 7-का और धारा 10 की उप-धारा (1) के अंडे

(घ) द्वारा प्रवत्त शक्तियों का प्रयोग करते हुए, एक ग्राहीयिक प्रशिक्षण गठित करनी है जिसके पीछासीन अधिकारी श्री एच० शनमुखप्पा होंगे, जिनका मूलदात्य ग्राहीयनगर, वंशलीर में होगा और उक्त विवाद को उक्त अधिकारण को व्यायनिर्णयन के लिये नियंत्रित करनी है।

अनुसूची

“क्या स्टेंड बैंक आफ मैसूर, बंगलौर के प्रबन्ध-मंडल की श्री एच० एम० प्रभाकर, ग्रेकल्यू द्वारा 12 अगस्त, 1976 से मेश्वरमृक्ष करते की कार्रवाई व्यायोनित है? यदि नहीं, तो मंवधित कर्मकार किस अनुसूची का हकदार है?”

[सं. एस०-12012/103/79-ड.०-II(ए)]

प्रम०एस० मेहरा, ईस्क अधिकारी

MINISTRY OF LABOUR

ORDER

New Delhi, the 15th November, 1980

S.O. 845.—Whereas, the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of State Bank of Mysore, Bangalore and their workman in respect of the matter specified in the Schedule hereto annexed;

And whereas, the Central Government considers it desirable to refer the said dispute for adjudication;

Now therefore, in exercise of the powers conferred by section 7A, and clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal of which Shri H. Shanmukhappa shall be the Presiding Officer, with headquarters at Gandhinagar, Bangalore and refers the said dispute for adjudication to the said Tribunal.

SCHEDULE

“Whether the action of the management of State Bank of Mysore, Bangalore in discharging Shri H. L. Prabhakara, Cashier from their services with effect from 12th August, 1976 is justified? If not, to what relief the said workman is entitled?”

[No. L-12012/103/79-D.II(A)]

S. S. MEHTA, Desk Officer

New Delhi, the 3rd March, 1981

S.O. 846.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Calcutta, in the industrial dispute between the employers in relation to the management of Mithani Colliery of Sitarampur Sub-Area, Eastern Coalfields Limited and their workmen, which was received by the Central Government on the 27th February, 1981.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CALCUTTA.

Reference No. 31 of 1978

PARTIES :

Employers in relation to the management of Mithani Colliery of Sitarampur Sub-Area, Eastern Coalfields Limited.

AND

Their Workmen.

APPEARANCES :

On behalf of Employers.—Mr. A. Chaudhuri, Counsel, with Mr. M. N. Kar, Advocate.

On behalf of Workmen.—Mr. P. Das Gupta, Advocate.
State : West Bengal Industry : Coal Mine

AWARD

This is a reference under Section 10 of the Industrial Disputes Act sent to this Tribunal by the Government of India by its Order No. L-19011(4)/77-D-IV(B) dated 22nd March, 1978 for adjudication of an industrial dispute between the management of Mithani Colliery of Sitarampur Sub-Area, Eastern Coal-fields Limited, hereinafter described as the "Colliery", and their workmen represented by the General Secretary, Colliery Mazdoor Congress (HMS), Bengal Hotel, P. O. Asansol, District Burdwan, hereinafter called the "Union" on the following issue :

"Whether the action of the management of Mithani Colliery of Sitarampur Sub-Area, Eastern Coal-fields Limited in denying the allowance at the rate of 0.50 paise per tub with effect from 1-6-76 to the Underground Loaders as mentioned in the annexure is justified? If not, to what relief are the concerned workmen entitled?

ANNEXURE

1. Seobachan Harijan
2. Baldeb
3. Bhola
4. Kalemath
5. Kalu Mia
6. Boku
7. Seetan
8. Bude
9. Surju
10. Bihare
11. Sohan
12. Chatta
13. Masuei
14. Jage
15. Parsadi Mondal
16. Baldev
17. Baijnath
18. Rama
19. Dina
20. Bhuneswar
21. Sinaser
22. Mator
23. Mahmadi
24. Jagdish
25. Seocharan
26. Rajan
27. Latiff
28. Bidu
29. Mahabir
30. Rattu
31. Blson
32. Girija
33. Kanta-I
34. Kanta-II
35. Masabir
36. Bakho
37. Bikram
38. Latif
39. Matur
40. Rolashi
41. Bangali
42. Sadik
43. Parbhu
44. Jagdish
45. Bhupal
46. Chhatu

47. Jhagru
48. Gurudayal
49. Chatani
50. Dashrath
51. Tulshi
52. Banshidhar
53. Raghunath
54. Kishun
55. Sahajat
56. Raghu
57. Sadhu
58. Chaturbhuj
59. Sukur
60. Budbu
61. Hansraj
62. Parie
63. Surjnarayan
64. Ramsurt
65. Rajpat
66. Jewat
67. Deocharan
68. Jewat
69. Jhakari
70. Kumar
71. Jagrup
72. Dursban
73. Tikoo
74. Chandari
75. Basudeb
76. Mitan
77. Amit
78. Masahab
79. Churaman
80. Ajee
81. Rahaman
82. Kamdev
83. Dinanath
84. Dipdayal
85. Abodh Behari
86. Gourisankar
87. Pujan
88. Jengilal
89. Mahadev
90. Sukha
91. Kishun
92. Sarkar
93. Miralal
94. Murat
95. Sailu
96. Jageswar
97. Jagan
98. Ganpati
99. Moswdi
100. Bajnu
101. Tiri
102. Ram Prasad
103. Kesho
104. Asrabi
105. Baleshor
106. Ashu
107. Molavi
108. Varo
109. Mati Singh
110. Murat
111. Bunmun
112. Latoo
113. Katwari

- 114. Rasul
- 115. Mitan
- 116. Ratan
- 117. Sadhu
- 118. Jagan
- 119. Jatu
- 120. Korioli
- 121. Kali Singh
- 122. Ramach
- 123. Lala
- 124. Bardhu
- 125. Jagan
- 126. Kisun
- 127. Bhupat
- 128. Bhola
- 129. Sadik
- 130. Hakim
- 131. Samblen
- 132. Parshu Ram".

2. The parties appeared in this case and filed their respective written statement. The Colliery also filed a rejoinder to the written statement of the Union.

3. To be brief, the case of the Union is that the underground loaders of the Colliery used to get 50 paise as the difficulty allowance for working in water for a long time, even prior to nationalisation of coal mines in 1973. The said allowance was one of the conditions of service. The management of the Colliery all on a sudden stopped payment of this difficult water allowance with effect from 1-7-1976 without complying with the provisions of Section 9A of the Industrial Disputes Act, 1947 and without any reason. The Union raised objection and demanded continuance of the payment of the said allowance but the management refused to pay heed to the demand. In the circumstances the dispute was taken to the Assistant Labour Commissioner (Central) and the matter has ultimately come to this Tribunal for decision. According to the Union there has been a violation of Section 9A of the Industrial Disputes Act by the Colliery for alteration of the conditions of service by stopping the payment of difficulty allowance and their prayer is that the difficulty allowance should be paid from 1-7-1976.

4. According to the pleadings, the case of the Colliery is that in the Main Dip of Mithani colliery there was previously only one time-rated dresser which was insufficient. The underground loaders at the Main Dip agreed to perform the job of dressing as well as that of lifting out coal after digging and shovelling from 8th June, 1974 which would be an extra work and for which the said workmen would be paid an allowance of 50 P per tub and the said allowance was called Main Dip (MD) allowance. From July 1976 the underground loaders at the Main Dip of the Colliery ceased to do the extra job of lifting out coal but continued to perform the job of dressing the coal only. In these circumstances they were being paid an allowance at the rate of 34 P per tub for not doing the job of lifting, digging or shovelling but for doing the work of dressing only. Those working in other galleries of the Colliery and not doing the work of dressers were not paid any MD allowance. No under-ground loader has a right to the allowance for extra work done at the rate of 50 P per tub from 1st June, 1976 when they ceased to do the lifting out coal after digging and shovelling. The Union's case of payment of difficulty allowance either prior or subsequent to nationalisation of coal mines has been totally denied either as a condition of service or otherwise. The allegation of any difficulty allowance being a condition of service of the violation of Section 9A of the Industrial Disputes Act has also been denied.

5. In this case on the side of the Colliery three witnesses have been examined while the Union has examined four. Several documents have been exhibited on both sides.

6. Mr. P. Das Gupta, learned Advocate for the Union and Mr. A. Choudhury with Mr. M. N. Kar, both Advocates for the Colliery appeared on behalf of the parties.

7. According to Mr. P. Das Gupta from the time of previous owner of the colliery, namely, Equitable Coal Company Ltd. and for a long period the underground loaders were entitled to get 50 P per tub as difficulty allowance for working in deep water as a condition of service and that the said workmen had been receiving the said allowance all along till 1-6-76 when the management of the colliery refused to make payment of that allowance to the underground loaders. A long list of workman has been given describing them as underground loaders who according to the Union are entitled to the difficulty allowance as claimed. On the other hand Mr. Choudhury's contention is that according to the evidence no difficulty allowance was ever paid as alleged either before the nationalisation of the mines or thereafter. According to the amicable agreement between the workmen and the management of the Colliery it was agreed that the underground loaders working in the Main Dip will do extra work for dressing and lifting out coal after digging and shovelling and if that extra work is done by any underground loader he would be getting 50 P per tub as allowance for such extra work and this allowance is called Main Dip allowance shortly stated MD allowance. It was settled that the underground loaders would be entitled to get this allowance for extra work to be done from 8th June, 1974. Mr. Choudhury has further argued that according to the evidence from July 1976 the workmen ceased to do extra job of lifting coal after digging and shovelling and they did only the job of dressing the coal. For this work of dressing, doing less extra work, they were paid at the rate of 34 P per tub and this extra allowance is being paid since then. The sum and substance of Mr. Choudhury's submission is that by the evidence adduced by the Colliery, both oral and documentary, the story of difficulty allowance set up by the workmen has been disproved and as such the workmen can get no relief here.

8. As already stated three witnesses have been examined on the side of the Union. The first witness is WW-1 Parsadi Mondal. He said that he had been working in Mithani Colliery since 1957. According to him those workers who worked in the Main Dip used to get an allowance of 50 P per tub and this was to be paid by the previous owners of the colliery, namely the Equitable Coal Company Ltd. He says that they used to be paid by vouchers during that company but from 1975 it was paid under paysheet at their request. The witness cannot remember when this allowance was started to be paid. He has stated that those who worked in water were paid this allowance. During examination-in-chief the witness has stated that for dressing the workmen are being paid 34 P per tub but that payment is different from the allowance they received for working in water. From him we also get that the work is still being done in water but no allowance is being paid. The witness has stated that the claim is for allowance for working in water which has nothing to do with the allowance paid for dressing. He has categorically stated that the allowance which the workmen are asking is different from the allowance referred to in the written statement of the Company for lifting the coal and dressing. The witness has also stated that the Main Dip allowance is separate from allowance for dressing. He says that dressing allowance was paid from 1975 and that he never got 16 paise for lifting coal. According to the witness the Main Dip allowance for working in water was paid in addition to dressing at the rate of 34 P per tub. During cross-examination the witness has further stated that the dressing allowance is paid through paysheet.

9. The second witness on the side of the union is Shew Bachan Harijan, WW-2. He says that he has been working in the Colliery from 1957. His evidence is that he gets basic wages and dearness allowance but he does not know what else he gets. He has also admitted that he gets

extra money for dressing and that from the time of erstwhile owners they were getting 50 P per tub for working in deep water. This money, according to him, was paid by vouchers. At the same time he says that this money was paid to them upto March 1976 through paysheets. He has admitted that the loaders are getting 34 P for dressing. During cross-examination this witness says that there was no paysheet during the erstwhile management but the system has since been changed and that they are getting payment through paysheets. He does not, however, know when paysheets were introduced. In 1975 there was paysheet and before 1975 there was paysheet as well. He does not know whether any other colliery pays the allowance for working in water. The witness has further said that the loaders are paid dressing allowance through paysheets.

10. WW-3 is a witness coming from Regional Labour Commissioner's office who produced certain papers called for by the Union. He has proved nothing about the alleged difficulty allowance claimed by the workmen.

11. WW-4 is the Organising Secretary of the Union who has filed the written statement on behalf of the workmen. During examination-in-chief his evidence is that owing to the difficulty in working in deep water, miners were paid 50 P per tub of coal but he does not know since when this allowance was being paid. It appears that he is not a worker in the Colliery and he has nothing to do with the Colliery except that he is a trade union leader of the colliery area. He never visited the dip. He heard from the workers that the allowance was being paid and he heard it from Altaf Khan but that Altaf Khan has not been examined. The evidence of this witness is worthless.

12. Now I come to the oral evidence adduced on the side of the Colliery. MW-1 is M. M. P. Karan who was the Manager of the Colliery in 1974. According to him at the time when he joined, there was no allowance in the name of Main Dip allowance. Sometime in July 1974 Main Dip allowance was first paid. After negotiation it was decided to pay the underground loaders at the rate of 50 P per tub of coal loaded by them and they were to do some digging work for which this extra allowance was to be paid. He asked for sanction from the Sub-Area Manager with regard to this payment and a copy of the letter sent to the Sub-Area Manager dated 12th June, 1974 has been marked Ext. M-1. He has also proved the copy of the letter of sanction received which has been marked Ext. M-2. This payment of 50 P per tub as Main Dip allowance was discontinued two or three months before he left the Colliery and he left the Colliery on 31st August, 1976. He has proved a letter coming from the Sub-Area Manager marked Ext. M-3 by which the Main Dip allowance was modified. As the underground loaders were not doing the work as agreed, it was decided that they should be paid less amount for dressing work. The payments were made through pay-sheets from the very start. He stated that at first the underground loaders used to get 50 P per tub as allowance but after June 1976 they got 34 P for dressing. He has denied the suggestion that allowance was paid for loading coal in deep water.

13. The next witness on the side of the Colliery is Mohd. Hussain, MW-2. In 1975 he was the Sub-Area Manager and this Colliery was in his group. He has denied the suggestion that Main Dip allowance was not paid through paysheets. This witness, it appears from evidence, has been associated with this colliery from 1956. Previously he was an Assistant Manager of the Colliery. Then again in 1967 he came to this Colliery as Manager. Then again he became an Agent of Mithani Colliery in 1972 and at that time the Colliery was managed by Equitable Coal Company Ltd. He has denied the suggestion that any water allowance was paid to anybody. He has asserted that Main Dip allowance was paid sometime in June, 1974 and it was never paid prior to that. As a Manager he used to sign all payment papers and he remembers that no such allowance was paid during his time. He has further asserted that no payment of any description was made to permanent workers through vouchers. As he has not the Manager of the Colliery from 1974 he cannot say how the Main Dip allowance was paid.

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He has further stated that Main Dip allowance was not paid for working in water.

14. The last witness of the Colliery is Sadananda Banerjee, MW-3, a bill clerk. He has proved several paysheets and they have been marked exhibits. They are all signed by him. They were prepared by him. Several other paysheets have also been marked exhibits prepared by others. He has stated that no payments were made in Mithani Colliery by vouchers. All payments were made through wage sheets. He has stated in cross-examination that Main Dip allowance was paid since 1971 and not before that and that they were paid for dressing and digging.

15. Besides the oral evidence we have got some relevant documents marked exhibits in this case. First of all we get the letter dated 12-6-74, marked Ext. M-1, written by the Manager, MW-1 to the Sub-Area Manager. This letter shows that as a result of negotiations between the management and the loaders of B. D. Seam of Mithani colliery it was agreed that the loaders would do dressing at the face and also lift out all coals left out after digging and shovelling and for this they would get one tub pick coal for every 12 tubs, that is to say, they would get 50 paise per tub of coal loaded by them and no pick coal. A request was made in this letter for approval of the agreement so that the wagesheets etc. were passed without difficulty. This agreement according to the letter was to take effect from 8-6-74. Ext. M-2 is the sanction letter of the Sub-Area Manager dated 20-6-74 wherein the recommendation mentioned in Ext. M-1 was approved and it was to be effective from 8-6-74. Ext. M-3 is a letter dated 26-5-76 coming from Sub-Area Manager to the Manager of the colliery. This letter shows that a section of underground loaders of the Colliery had been agitation for dressing and digging allowance for all the dip galleries and that after the Sub-Area Manager's discussions with the General Manager of Dishargarh Area, the allowance was modified to be given to all underground loaders for dressing of the faces only. A huge number of paysheets of different years and months have been marked exhibits as filed by the Colliery. They are Exts. M-4 and M-4A collectively. Some of the paysheets were of the time when Equitable Coal Company was the owner of the Colliery and some prepared after nationalisation of the mines and the taking over by the Government. These paysheets were filed by the Colliery to prove that in fact no payment was made to the underground loaders towards the alleged difficulty allowance for working in water and that from June 1974 as per mutual agreement Dip Allowance was paid for dressing and lifting coal by digging and shovelling I may refer some of the paysheets in respect of the underground loaders prepared during the regime of Equitable Coal Company. For example, there is Ext. M-4A for the month of September 1973. There the wages of the underground loaders have been mentioned including allowances but there is no mention of any difficulty allowance for working in water as claimed by the Union. This was prepared by the Coal Mines Authority. There is the paysheet for March 1974 being a part of Ext. M-4 prepared by the management of the Colliery after nationalisation and the taking over. In the paysheets there are mentions of basic wages, lead allowance, D.A. etc., but there is no mention of either Main Dip allowance or difficulty allowance for working in water. We see in the paysheets after the date of the agreement in June, 1974 that Main Dip (MD) allowance was mentioned. Before the take over during the time of Equitable Coal Company Ltd. wagesheets were prepared in respect of underground loaders and in those paysheets there is no mention of either difficulty allowance or Main Dip allowance.

16. As already discussed about the oral and documentary evidence, it is quite clear that no payment was made to the loaders by vouchers as will be supported by paysheets filed in respect of the period before nationalisation and the period after nationalisation. Moreover, it appears from the evidence of WW-1 and WW-2 that the loaders used to get dressing allowance through paysheets. There can be, therefore, no reason for payment of difficulty allowance by vouchers. The colliery has examined the best witnesses, namely the Manager of the relevant time, the Sub-Area Manager and the person who prepared the paysheets. The best documentary evidence have been produced by the colliery, namely, Exts. M-1, M-2, M-3 and the paysheets to show that in 1974 there was agreement between the loaders and the management on the basis whereof for the first time Main Dip (MD) allowance was paid to the underground loaders for dressing and lifting

coal by digging and shovelling. The evidence further shows that subsequently as the loaders refused to lift coal by digging and shovelling, the Colliery started giving allowance at the rate of 34 P per tub only for dressing and this payment of dressing allowance at the rate of 34 P has been admitted by the witnesses on the side of the Union. Moreover, those witnesses have stated that they claimed difficulty allowance which is quite distinct from this allowance at the rate of 34 P for dressing. The evidence is quite clear and it has been proved quite convincingly that at no point of time was there any allowance paid to the underground loaders towards difficulty allowance or otherwise for working in water. This payment was never made either during the time of erstwhile management or after nationalisation of the mine. The claim of the workman is frivolous and without any basis at all. The case of the Colliery is supported by reliable evidence both oral and documentary whereas the evidence on the side of the Union is thoroughly unacceptable. The case of the Union has been disproved and I find the claim for difficulty allowance at the rate of 50 paise per tub is untenable and unjustified. The workmen are not entitled to any relief whatsoever.

17. I may point out in this connection that there is a dispute as to whether all the persons mentioned in the Schedule are still working in the colliery. In view of my decision above it is unnecessary to go into the question whether in fact all those persons are at present or at the relevant time were working in the Colliery.

This is my award.

Dated, Calcutta,

The 19th February, 1981.

R. BHATTACHARYA, Presiding Officer
[No. L-19011(4)/77-D.IV(B)]
S. S. MEHTA, Desk Officer
कार्यालय,

आवेदन

नई दिल्ली, 31 जनवरी, 1981

का० आ० 847.—केन्द्रीय सरकार की धारा है कि इससे उपबद्ध अनुसूची में विनिदिष्ट विषय के बारे में यूनियन बैंक भ्राफ़ इंडिया, एरनाकुलम के प्रबन्ध-मंडल से सम्बद्ध एक ग्रीष्मोगिक विवाद नियोजकों और उनके कर्मकारों के बीच विद्यमान है;

ग्रोर केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णयन के लिये निर्वैशित करना चाहती है;

अतः, केन्द्रीय सरकार, ग्रीष्मोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 7-क और धारा 10 की उपधारा (1) के खंड(घ) द्वारा प्रवत्त शक्तियों का प्रयोग करते हुए, एक ग्रीष्मोगिक अधिकरण गठित करती है जिसके पीछासीन अधिकारी श्री टी० सुन्दरनम् ईनियल होंगे जिनका मुख्यालय भ्राफ़स में होगा और उक्त विवाद को उक्त ग्रीष्मोगिक अधिकरण को न्यायनिर्णयन के लिये निर्वैशित करती है।

अनुसूची

“क्या यूनियन बैंक भ्राफ़ इंडिया के भूतपूर्व अपराह्नी श्री सी० श्रीकुमारन नायर, को विकास कायालय, लिवेंट्रेस से पदच्युत करने की कार्रवाई न्यायित है? यदि नहीं, तो संबंधित कर्मकार किस अनुतोष का हक्कार है?”

[सं० एस० -12012/45/77-डी०-II(ए०)]

एस० क० विक्षास, अवर सचिव

ORDER

New Delhi, the 31st January, 1981

S.O. 847.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Union Bank of India, Ernakulam

and their workmen in respect of the matter specified in the Schedule hereto annexed;

And whereas, the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by section 7A and clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal of which Shri T. Sudersanam Daniel shall be the Presiding Officer, with headquarters at Madras and refers the said dispute for adjudication to the said Tribunal.

SCHEDULE

“Whether the dismissal of Shri C. Sreekumaran Nair, ex-peon of the Union Bank of India in their development office at Trivandrum is justified? If not, to what relief is the concerned workman entitled?”

[No. L-12012/45/77-D.II(A)]

S. K. BISWAS, Under Secy.

CORRIGENDUM

New Delhi, the 23rd February, 1981

S.O. 848.—In the notification of the Government of India in the Ministry of Labour S.O. No. 3091 dated the 27th October, 1980 published in Part II section 3, sub-section (ii) of the Gazette of India dated the 8th November, 1980 at page 3853, for the words “United Weed Products” read “United Wood Products”.

[No. S. 35019(54)/80-PF-II]

NAVIN CHAWLA, Dy Secy.

आवेदन

नई दिल्ली, 24 फरवरी, 1981

का० आ० 849.—मैसर्सै ईंडियन शायरस एंड स्टील कम्पनी लिमिटेड, डाकघर असनाला, जिला घनबाद के प्रबंधतंत्र से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच, जिनका प्रतिनिधित्व ईंडियन नेशनल माइन्स ग्रोपरमैन, सरवार एंड शाट-फायरसे ऐसोसिएशन, डाकघर बाराकर, जिला बर्दवाल करती है, एक ग्रीष्मोगिक विवाद विद्यमान है;

ग्रोर उक्त नियोजकों और कर्मकारों ने ग्रीष्मोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10-क की उपधारा (1) के उपबंधों के अनुसरण में एक लिखित करार द्वारा उक्त विवाद को उसमें वर्णित व्यक्ति के माध्यस्थम के लिए निर्वैशित करने का करार कर लिया है और उक्त माध्यस्थम करार की एक प्रति केन्द्रीय सरकार को मौजी गई है;

अतः, अब, उक्त अधिनियम, की धारा 10-क की उपधारा (3) के उपबंधों के अनुसरण में, केन्द्रीय सरकार उक्त माध्यस्थम करार को, जो उसे 16 फरवरी, 1981 को मिला था, एतद्वारा प्रकाशित करती है।

करार

(ग्रीष्मोगिक विवाद अधिनियम, 1947 की धारा 10-क के प्रश्नों) प्रश्नकारों के नाम:

१. ईंडियन नेशनल माइन्स ग्रोपर-मैन, सरवार एंड शाट फायरसे ऐसोसिएशन (पंजीय नं० ३४-८९) मुकाम एवं डाकघर बाराकर (बर्दवाल)

२. मैसर्सै ईंडियन शायरस एंड स्टील कं० कोल कम्पलेक्स का प्रबंधतंत्र, असनाला, डाकघर असनाला, जिला घनबाद।

नियोजकों का प्रतिनिधित्व करने वाले : श्री आर० के० प्रसाद, मुख्य खंड
इंडीनियर, मैसर्स इंडियन आयरन एंड स्टील कम्पनी कोल
काम्पलैक्स, छसनाला (धनबाद)

कर्मकारों का प्रतिनिधित्व करने वाले : श्री डी० एन० पी० सिंह, उप महा
मंत्री, आई०एन०एम०ओ०एस०एस०
ए०, डाकघर बाराकर, जिला
धनबाद।

पक्षकारों के भीच निम्नलिखित आधोगिक विवाद को श्री डी० वी०
रामाचन्द्रन, खेत्रीय अमायुक्त (केन्द्रीय), धनबाद, के माध्यस्थम के लिए
निर्विवित करने का करार किया गया है :—

1. विनियिवट विवाद ग्रस्त विषय :

“क्या मैसर्स इंडियन आयरन एंड
स्टील कम्पनी लिमिटेड की
छसनाला, नूनूदीह-जीतपुर और
रामनगर कोलायला खानों के ओवर-
मैन, अरिष्ट ओवरमैन, खन
सरदार और शाट-कायरस की
पहली जुलाई, 1978 से 31
दिसम्बर, 1979 तक भूतकशी
प्रभाव से समयोगिर भते की
प्रदायी की मांग व्यायोचित
है ? यदि हाँ, तो संबंधित कर्म-
कार किस अनुदोष के हकदार
है ?

2. विवाद के पक्षकारों का विवरण,
जिसमें ग्रांतवंशित स्थापन या
उपक्रम का नाम और पता भी
सम्मिलित है ।

1. श्री आर० के० प्रसाद, मुख्य
खंड इंडीनियर, मैसर्स इंडियन
आयरन एंड स्टील कम्पनी, कोल
काम्पलैक्स, मुकाम और डाक
घर छसनाला, जिला धनबाद।

2. श्री डी० एन० पी० सिंह, उप-
महामंत्री आई०एन०एम०ओ०
एस०एस०ए०, डाकघर बा-
राकर, जिला धनबाद।

3. कर्मकार का नाम यदि वह स्वयं
विवाद में अन्तर्दृस्त है या यदि
कोई भौति प्रसंगत कर्मकार या
कर्मकारों का प्रतिनिधित्व करता
हो तो उसका नाम ।

9000 (लगभग)

4. प्रभावित उपक्रम में नियोजित
कर्मकारों की कुल संख्या

5. विवाद द्वारा प्रभावित या संभव- 217

व्यवहार : प्रभावित होने वाले
कर्मकारों की प्राक्कलित संख्या

हम यह करार भी करते हैं कि माध्यस्थ का विनियोग्य हम पर प्राप्त
कर होगा । माध्यस्थ अपना पंचांत संबंधित भरकार द्वारा सरकारी राजपत्र
में इस करार के प्रकाशन की तारीख से तीन मास की कालावधि या
इसने और समय के भीतर जो हमारे भीच पारस्परिक सिविल करार द्वारा
बढ़ाया जाए, देता । यदि पूर्ण वर्धित कालावधि के भीतर पंचांत नहीं दिया
जाता, तो माध्यस्थ के लिए निर्देश स्वतः रद्द हो जायगा और हम नए
माध्यस्थ के लिए बात-चीत करने को स्वतंत्र होंगे ।

पक्षकारों के हस्ताक्षर

नियोजकों का प्रतिनिधित्व करने वाले कर्मकारों का प्रतिनिधित्व करने वाले
ह०/- आर० के० प्रसाद 2-2-1981 ह०/- श्री० एन० पी० सिंह, उप महामंत्री,
आई०एन०एस०एस०एस०ए०, 2-2-1981

म मध्यस्थ के रूप में काम करने के लिए प्रपनी सहमति देता हूँ ।

ह०/- (श्री० वी० रामचन्द्रन)
खेत्रीय अमायुक्त (खेत्रीय),
धनबाद

साक्षी

1. ह०/- प्रपठित 2-2-1981
2. ह०/- एम० भास्तो, शासा सचिव,
छसनाला

[सं० ए८-२००१३/१/८१-डी० III(५)]

ORDER

New Delhi, the 24th February, 1981

S.O. 849.—Whereas, an industrial dispute exists between the employers in relation to the management of Messrs Indian Iron and Steel Company Limited, Post Office Chasnalla, District Dhanbad and their workmen represented by INMOSSA, Post Office Barakar, District Burdwan,

And whereas, the said employers and their workmen have by a written agreement under sub-section (1) of section 10A of the Industrial Disputes Act, 1947 (14 of 1947), agreed to refer the said dispute to arbitration and have forwarded to the Central Government a copy of the said arbitration agreement;

Now, therefore, in pursuance of sub-section (3) of section 10A of the said Act, the Central Government hereby publishes the said agreement which was received by it on the 16th Feb., 1981.

AGREEMENT

(Under Section 10-A of the Industrial Disputes Act, 1947).

BETWEEN

Name of the Parties ;

- (1) Indian National Mines Overmen, Sirdars and Short-firers Association (Regd. No. 3889) At & P. O. Barakar (Burdwan).
- (2) Management of M/s. Indian Iron and Steel Co. Coal Complex, Chasnalla, P. O. Chasnalla, District Dhanbad.

Representing Employer : Shri R. K. Prasad, Chief Mining Engineer, M/s. Indian Iron and Steel Co. Coal Complex, Chasnalla (Dhanbad).

Representing Workmen : Shri D. N. P. Singh, Dy. General Secretary, INMOSSA, P. O. Barakar, Distt. Burdwan.

It is hereby agreed between the parties to refer the following dispute to the arbitration of Shri D. V. Ramachandran, Regional Labour Commissioner (Central), Dhanbad :—

(i) Specific matters in dispute :

“Whether the demand of Overmen, Senior Overmen, Mining Sirdars and Shot-firers of Chasnalla, Noonudih-Jitpur and Ramnagar Collieries of Messrs Indian Iron and Steel Co. Ltd. for payment of Overtime Allowance with retrospective effect from 1st July, 1978 to 31st December, 1979 is justified ? If so, to what relief are the concerned workmen entitled to ?”

(ii) Details of the parties to the dispute including the name and address of the establishment or undertaking involved :

(i) Shri R. K. Prasad, Chief Mining Engineer, M/s. Indian Iron and Steel Co. Coal Complex, at and P. O. Chasnalla, District Dhanbad.

- (2) Shri D. N. P. Singh Dy. General Secretary, INMOSSA, P. O. Barakar, District Burdwan.
- (iii) Name of the workmen in case he himself is involved in the dispute or the name of the Union, if any, representing the workmen or workman in question:—
INMOSSA, Chasnala, Jitpur and Ramnagar Branch.
- (iv) Total No. of workmen employed in the undertaking affect 9000 (Approx).
- (v) Estimated number of workmen affected or likely to be affected by the dispute:—

We further agree that the decision of the Arbitrator be binding on us. The arbitrator shall make his award within a period of 3 months from the date of publication of the agreement in official Gazette by appropriate Government or within such further time as extended by mutual agreement between us in writing. In case the award is not made within the period aforementioned, the reference to the arbitration shall stand automatically cancelled and we shall be free to negotiate for fresh Arbitration.

Representing Employers :
Represenng workmen :

Signature of the parties
Sd/-

D. N. P. Singh Dy. G. S. INMOSSA Central
2-2-81

I hereby give my consent as an Arbitrator.

Sd/-

D. V. RAMACHANDRAN, Regional Labour Commissioner
(Central) Dhanbad

Witnesses :

1. Sd/- (2-2-81)
2. Sd/- (M. Mahata)
Branch Secretary, Chasnala.

[No. L-20013(1)/81-D.III(A)]

New Delhi, the 27th February, 1981

S.O. 850.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 1, Dhanbad, in the industrial dispute between the employers in relation to the management of Messrs Bharat Coking Coal Limited, Area No. V, Post Office Sijua, District Dhanbad and their workmen, which was received by the Central Government on the 16th February, 1981.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

In the matter of a reference under Sec. 10(1)(d) of the

Industrial Disputes Act, 1947

Reference No. 49 of 1978

PARTIES :

Employers in relation to the management of Messrs Bharat Coking Coal Limited, Area No. V, Post Office Sijua, District Dhanbad.

AND

Their Workmen

APPEARANCES :

For the Employers—Shri T. P. Choudhury, Advocate.
For the Workmen—Shri S. Bose, Secretary, Rashtriya Colliery Mazdoor Sangh, Dhanbad.

STATE : Bihar.

INDUSTRY : Coal.

Dhanbad, the 7th February, 1981.

AWARD

By Order No. L-20012/87/78-D.III(A) dated the 5th December, 1976 the Central Government being of opinion that an industrial dispute existed between the employers in relation to the management of M/s. Bharat Coking Coal Limited, Area No. V, Post Office Sijua, District Dhanbad and their workmen in respect of the matters specified in the schedule attached to the order, referred the same for adjudication to this Tribunal. The schedule to the order which is in two parts reads thus:

1. Whether the demand of the workmen of Messrs Bharat Coking Coal Limited, (Area No. V), Post Office Sijua, District Dhanbad for regularisation of Shri Chandradeo Chauhan, as Clerk Grade II with effect from August, 1973 is justified.
2. Keeping in view the contention of the workmen of Messrs Bharat Coking Coal Limited (Area No. V), Post Office Sijua, District Dhanbad that the management were not justified in transferring Shri Chandradeo Chauhan from Area No. V prior to the holding of the D.P.C. for promotion to Grade I, whether their demand that Shri Chauhan should be given the pay scale of Grade-I with retrospective effect is justified? If so, to what relief is the said workman entitled?"

2. After notice to the parties they have filed their respective written statements and rejoinders. In course of hearing no oral evidence has been adduced by the management which has only filed four documents on which it relies. These documents have been marked as Exts. M-1, M-2, M-2/1 and M-3 on admission. On behalf of the union the concerned workman has only been examined. The union also has relied upon as many as seven documents marked as Ext. W-1, W-2, W-3, W-4, W-4/1, W-5 and W-6 on admission. The concerned workman examined as WW-1 says that he started working in Loyabad Colliery since 1971 as an Attendance Clerk. From Loyabad Colliery he was transferred to Sub-Area in 1973 as a Sales Assistant. Both as an Attendance Clerk and as a Sales Assistant he was getting the pay of a clerk in Gr. II. At the time of his transfer to Sub-Area office the Sub-Area was under Area No. II. Thereafter Area No. II was changed to Area No. V. From Loyabad Sub-Area No. II he was transferred to Area No. V as Sales Assistant. From Area No. V he was transferred to Munidih Project in December, 1976. The workman asserts that after his transfer to Munidih the post which he was holding in the Area Office was filled up by a person transferred from Coal Board. The transferee was in Gr. I.

The reference in the present case consists of two parts. The first part relates to a demand of the union on behalf of the concerned workman that the workman should have been given Gr. II with effect from August, 1973. The second part relating to the demand of the union on behalf of the concerned workman is that the workman should have been considered for promotion to Gr. I by D.P.C. which considered candidates for promotion to that grade in May, 1977. The admitted position is that the concerned workman was confirmed in Grade II on 6th December, 1974. On the date when the concerned workman joined for the first time in Loyabad Colliery in 1971 the colliery was under private management. The said colliery was taken over on 17th October, 1971. The Form B Register maintained by the private owners shows that the concerned workman was appointed with effect from 1st October, 1971 in a clerical post in Gr. III. This position also is not disputed. The workman however asserts in his evidence which is also not disputed that since the date of take over i.e. 17th October, 1971 he was working as an Attendance Clerk which belongs to Gr. II. According to workman while he was working as attendance clerk in Gr. II he was transferred to Sub-Area Office as a Sales Asstt. which was also a clerical post in Gr. II. This position is also not challenged by the management. According to the workman from Sub-Area Office he was transferred to Area Office at Sijua as Sales Assistance which was also a clerical post in Gr. II. This position is also admitted by parties. Thereafter as per the evidence of the workman he was transferred to Munidih Project under Office Order Ext. W-1 and he was relieved from Area Office on 6th December, 1976 as per Office Order Ext. W-2. On his transfer to Munidih Project he also held a clerical post Gr. II. Thus it is seen that although the Form B Register shows that the concerned workman was appointed on 1st Oct. 1971 as clerk in Grade III from 17th Oct. 1971 right upto his transfer to Munidih Project he has been holding the post of a clerk in Gr. II. The management does not dispute that for the entire period the workman worked as a clerk in Gr. II, he was being paid the differences between the pay and allowances of a Gr. II Clerk and those of a clerk in Gr. III. In other words inspite of the fact that Form B Register shows that the concerned workman was appointed on 1st Oct. 1971 as a clerk in Gr. III he has been all along posted in a clerical post belonging to Gr. II and drawing the pay and allowances of a clerical post in Gr. II. In other words from 17th Oct. 1971 unto 6th Dec. 1976 when the concerned workman was released from Area Office to join his post in Munidih Project he has been working in a clerical post in Gr. II. This period comes to more than 5

years. It cannot be said that for this long 5 years the concerned workman was merely officiating or deputising for another person holding a clerical post in Gr. II. The inevitable conclusion therefore is since the date of take over till the concerned workman was transferred to Munidih Project and even after the transfer to Munidih Project the management has allowed the concerned workman to work in the post of a clerk in Gr. II and has paid him the salary and allowances of a clerical post in Gr. II. True a letter of confirmation has been issued to the concerned workman on 6th Dec. 1974 by the management confirming him in a clerical post in Gr. II. There is absolutely no basis for this order. Nothing has been shown to indicate that a vacancy occurred in the cadre of clerical post in Gr. II on 6th Dec. 1974 as a result of which the concerned workman was confirmed. No evidence has been led by the management to show the strength of clerical posts in Gr. II and the vacancies occurring in the cadre of clerical post in Gr. II from time to time. No reason has been assigned by the management as to under what circumstances the concerned workman was confirmed only on 6th Dec. 1974 and could not be confirmed earlier. The claim of the concerned workman however is that he should have been confirmed in August 1973 and not on 6th December, 1974 as has been done by the management. The reason for this demand is that in August 1973 the Loyabad Sub-Area Office was formed and the concerned workman was transferred from that office to the colliery. As has been indicated above even before the transfer to Sub-Area Office the concerned workman was holding the post of an Attendance Clerk belonging to Gr. II. In that view the workman could have claimed confirmation with effect from 17th October, 1971. But in view of the fact that the claim for confirmation is only from August, 1973, there is no reason why he should be denied confirmation at least from August 1973, in the absence of anything shown as indicated above that there was no permanent post in the cadre of clerical Gr. II available in August, 1973. I, therefore, hold that the concerned workman is entitled to confirmation as clerk Gr. II with effect from August, 1973 and the claim to this effect is justified.

Coming to the other part of the demand mentioned in the schedule attached to the reference the case of the union is that after the formation of the Area Office the management adopted a policy for promotion of clerks from one grade to the next higher grade in the Area Office. The policy adopted by the management is Ext. M-1 dated 18th May, 1977. Para 1 of Ext. M-1 reads thus :

"There should not be any upgradation within 4 years of the last upgradation/promotion/categorisation. This period of 4 years could be relaxed by six months, the maximum, in case of very good performance of employee, as per report of the departmental head."

After the adoption of the policy for promotion a D.P.C. was formed by the management which considered several cases for promotion of clerks from one grade to other. It is admitted that the concerned workman was not considered by the D.P.C. as by the time of consideration the concerned workman had already been transferred from Area Office to Munidih Project—the transfer to Munidih Project being in December, 1976. The case of the union is that there was no justification for the management not to consider the case of the concerned workman for promotion merely because 4 or 5 months prior to the date of consideration of the question of promotion by the D.P.C. the concerned workman had been transferred to Munidih Project not at his own instance but by the management on administrative grounds. The further case of the union is that since the concerned workman was entitled to be confirmed from August, 1973 he could not have come within the exception as provided in Para 1 of Ext. M-1 and that the letter of confirmation confirming the concerned workman with effect from 6th December, 1974 is a concoction to deprive the concerned workman of his right to be considered for promotion to the next higher grade. These contentions of the union are well founded. I have already stated that the union should have claimed confirmation for the workman with effect from 17th October, 1971 instead of from August, 1973. I have held above that the concerned workman is entitled for confirmation in the post of a clerk in Gr. II with effect from August, 1973. It is not disputed that if the date of confirmation of the concerned workman is taken to be August, 1973 he would not come within the mischief of para 1 of Ext. M-1 on the date of D.P.C. considered cases of promotion. Reliance is placed on Ext. W-3 by

the union which contains the minutes of a meeting between the management and the union sponsoring the cause of the concerned workman. It is not disputed that in the meeting the claim of the concerned workman which is the subject matter of the present reference was discussed. Para 1 of Ext. W-3 shows that it was agreed between the parties present in the meeting that the case of the concerned workman would be considered for promotion by the D.P.C. in Area No. V on the basis as if the concerned workman was not transferred. It was further agreed that if the concerned workman would be found fit after consideration by the D.P.C. for promotion, he would be promoted. The genuineness of Ext. W-3 is not disputed by the management. It is however argued on behalf of the management that after the agreement as per Ext. W-3 the case of the concerned workman was considered and as it was found that he came under the exception as provided in para 1 of Ext. M-1 the D.P.C. did not consider the case of the concerned workman. Mr. T. P. Choudhury learned counsel for the management invites my attention to the words "up-graduation/promotion/categorisation appearing in Ext. M-1 and argues that under the expression provided in para 1 of Ext. M-1 if the post held by a workman has been up-graded within 4 years or the workman has been promoted to a post within 4 years or the post held by the workman has been categorised as belonging to a particular grade within 4 years the D.P.C. would not consider such cases for promotion. This contention of Mr. T. P. Choudhury is without any force. The post in which the concerned workman was holding right from 17th October, 1971 upto the date when the dispute arose was a clerical post in Grade II. So it could not be said that the post which the concerned workman was holding was up-graded within 4 years from the date when the D.P.C. considered the cases of promotion. It is also not the case of any of the parties that the concerned workman was promoted to a clerical post in Gr. II within 4 years from the date when the D.P.C. sat to consider cases of promotion. It is also nobody's case that the post which the concerned workman was holding from 17th October, 1971 was categorised as clerical post Gr. II within 4 years when the D.P.C. met. My conclusion, therefore, is that the case of the concerned workman could not be excluded from consideration for promotion because under para 1 of Ext. M-1 his case was to be excluded. I have already held that there is no justification for management why it confirmed the concerned workman in clerical post Gr. II on 6th December, 1974 and not before that. At the cost of repetition I may say here that had the management produced records to show the cadre strengths of clerical posts in different grades in Area Office No. V and would have shown that the concerned workman could not have been confirmed before 6th December, 1974 as there was no vacancy then only I would have accepted the case of the management. That apart para 1 of Ext. M-1 does not show that before a clerk in any particular grade is considered for promotion to the next grade he must have been confirmed in the lower grade. Therefore according to me the date of confirmation is immaterial since as a matter of fact the concerned workman was holding the post of a clerk in Gr. II for more than 5 years by the time D.P.C. met. Without anything being shown it cannot be said that the post which the concerned workman was holding was in temporary or officiating capacity only. It is the normal rule in Government Offices that when a Government employee officiates in a post and is confirmed in the said post later on his seniority in that post counts from the dates he officiates and therefore at the time of consideration of the question for promotion to the next higher post his seniority in the lower post is counted from the date when he has officiated and not from the date when he is confirmed. Such being the position I am of the view that there is no justification for excluding the concerned workman from being considered for promotion to the post of Clerk Gr. I by the D.P.C. in Area No. V. In view of agreement between the management and the union sponsoring the cause of the concerned workman as per Ext. W-3 the case of the concerned workman has to be considered for promotion to Gr. I by the D.P.C. in Area No. V, in spite of the fact that he was transferred to Munidih Project in December, 1976. If after consideration the concerned workman is found fit for promotion to the next higher grade he should be promoted to that grade and given the pay of that grade. The action of the management therefore in transferring the concerned workman from Area No. V prior to his being considered for promotion to Gr. I is not justified and so also the action of the management in not considering the case of concerned workman for promotion by the D.P.C. The concerned workman is entitled to be considered for promotion to Gr. I by the D.P.C. for Area No. V and is entitled to pay scale of a clerk in Gr. I in case he is found fit

for promotion. The reference is answered accordingly. In the circumstances there will be no orders for cost.

B. K. RAY, Presiding Officer
[No. L-20012/87/78-D.III(A)]

S.O. 851.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 2, Dhanbad in the industrial dispute between the employers in relation to the management of Ena Colliery of Messrs Bharat Coking Coal Limited, Post Office Dhansar, District Dhanbad and their workmen, which was received by the Central Government on the 16th February, 1981.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2), DHANBAD

Reference No. 105 of 1979

In the matter of an industrial dispute under S. 10(1)(d) of the I.D. Act, 1947.

PARTIES :

Employers in relation to the management of Ena Colliery of Messrs. Bharat Coking Coal Limited, Post Office Dhansar, District Dhanbad.

AND

Their workmen.

APPEARANCES :

On behalf of the employers—Shri B. Joshi, Advocate.
On behalf of the workmen—Shri S. Bose, Secretary, Rashtriya Colliery Mazdoor Sangh, Dhanbad.

STATE : Bihar. Dhanbad, 9th February, 1981.

AWARD

This is a reference under S. 10 of the I.D. Act, 1947. The Central Government by its notification No. L-20012/64/79-D.III(A) dated 18th August, 1979 has referred this dispute to this Tribunal for adjudication on the following points :

SCHEDULE

"Whether the demand of the workmen of Ena Colliery of Messrs Bharat Coking Coal Limited, Post Office Dhansar, District Dhanbad that the management should treat Shri Ram Awatar Kurmi, Shrimati Ram Bai, Shrimati Mungrai Bai, B.P. and Shrimati Hasina Khatoon, Clay Cartridges mazdoors as their workmen and that they should be paid category-I wages is justified? If so, to what relief are the said workmen entitled and from what date?"

2. The case of the workmen is that since January, 1979 they are in permanent nature of job on the production side of Ena Colliery. They are responsible for supplying of clay cartridges to the mine every day. These clay cartridges are used in blasting. They were paid at the rate of Rs. 2 per baskets of 150 cartridges which was changed arbitrarily to actual number of cartridges used in blasting operation. According to the workmen the management of the colliery have been paying them on piece rate basis although by virtue of various awards, recommendations and agreements their job was payable on time rate basis in category I. Their further case is that immediately after the take over of the colliery and subsequent to nationalisation the management declared that pending finalisation the rate and grade of wages no workmen should be paid less than category-I rate of wages w.e.f. 1st May, 1972. But the management of Ena colliery flouted even that departmental order and did not pay the concerned workmen category I rate of wages in the time scale in spite of repeated representations by the workmen themselves as well as by their trade union. Consequently, the union of the workmen by their letter dated 26th October, 1976 represented their case before the Assistant Labour Commissioner(C) Dhanbad who took up the matter with the parties and held conciliation proceedings. Due to adamant attitude of the management the conciliation ended in failure and ultimately this reference was made by the Government of India, Ministry of Labour for adjudication to this Tribunal. The prayer of the workmen is to regularise them in category-I w.e.f. 1st May, 1972 will full difference of wages and all other emoluments payable to category-I time rate worker.

3. The management has taken the plea that the concerned persons were never the employees of Ena colliery at any time. It has been admitted that they are suppliers of earth pellates locally called (golimati) which are required inside the mine for the purpose of stemming shot holes after charging the same with explosives. According to the management explosives, detonators, fuses and earth pellates are purchased from the suppliers. It has been explained that the explosives, detonators and fuses are manufactured at specialised factories but earth pellates are manufactured by local people from ordinary soil. The earth pellates are nothing but more or less cylindrical shape "mitti pieces" of 1 inch diameter and approximately of 6 inches to 9 inches in length. The concerned persons manufacture these pellates from the earth available on the surface at different places and supply the same to the management at the rate of Rs. 5 for every hundred holes charged with these pellates. The management does not exercise any control over the concerned persons and no supervisions are exercised over them or over the pellates making. In short, they are independent suppliers of clay cartridges. The management has prayed for dismissal of this reference.

4. On behalf of the concerned workmen Shri Ram Awatar Kurmi has been examined as WW 1. He is one of the concerned workmen. According to him he and other workmen are working in a group in Ena colliery since January, 1971. At Ena colliery in between No. 4 and 6 Pit there is a shed where they manufacture earth pellates called 'golimatti'. His evidence is that they collect earth from the premises of the colliery and tools such as spades, pick axes, baskets water containers and coal are supplied by the management. In the dry season pellates are dried in sun light but during rains coal is supplied by the management in order to dry the pellates. The concerned workmen used to get Rs. 10 per thousand of pellates, but the new manager of the colliery changed the rate by reducing it to 5 N.P. each hole blasted in the coal faces. This has reduced the earnings of these workers. The witness has proved Ext. W.1 which is a representation of these workmen dated 19th September, 1978 addressed to the Superintendent, Ena colliery.

5. On behalf of the management MW-1 Shri G. M. S. Johar was examined. He has been the manager of Ena colliery from April 1976 to April 1977, and subsequently he was Superintendent of the same mine. His evidence is that the colliery purchases clay cartridges from suppliers and no workman is engaged for manufacture of clay cartridges. The payment to suppliers of clay cartridges used to be made on the vouchers on presentation of their bills. He has proved Ext. M1 which is a bunch of 68 voucher and bills for the payment of supply of cartridges to the concerned workman. He has also produced original bill book (Ext. M2) containing entries of bills and vouchers(Ext. M1). He has denied that the concerned workman were at all employees of the colliery and has said that they were simply cartridges suppliers. He has also denied that these persons manufacture clay cartridges in colliery premises. It was denied that the colliery supply them baskets, spades, coal or tools for manufacture of clay cartridges. According to him the colliery authorities have no control or supervision over their work.

6. Before I go to discuss the evidence in this case I would like to point out the background under which this dispute has arisen. Shri Sankar Bose, Secretary, Rashtriya Colliery Mazdoor Sangh and Shri B. Joshi, Advocate representing the management have both admitted that prior to nationalisation some of the collieries used to have mechanised system where production of coal used to be done under the process of blasting. Those mechanised collieries used to have a set of workers engaged in preparation of clay cartridges without which the blasting process could not be completed. In short, clay cartridges used to be essential for the purpose of blasting of coal in the mine. It is also an admitted position that in order to bring about an uniformity of mode of payment of wages to such type of workers, the wage board in its recommendation in the year 1967 classified them as clay cartridges mazdoor at page 42 of Vol. II, Appendix V. under Sl. No. 26 the following entries have been made :

"26 Clay Cartridge—A person who makes clay cartridges of about IX 1-1/2 inches diameter and 6 inches long to be used for stemming shots when shot firing is done. (Those formerly designated as 'Goli Matti' or 'Mud Pellet' Mazdoors will henceforward be known as Clay Cartridge Mazdoors).

7. It will appear from the above that such workmen were even during the time of recommendation of the wage board were known as 'Goli Matti' or 'Mud Pellet Mazdoors'. Under wage board recommendation they were to be known as Clay Cartridges mazdoors in category I. This wage board recommendation was accepted by the coal industry without any exception so that when the Government of India took over this colliery the recommendation of the wage board had already been applied in all the collieries. So far as Ena colliery is concerned the written statement of the workmen has made specific plea that they have been serving in a gang in Ena colliery since January, 1971. The evidence of WW-1 is the same. The management has not denied it. MW-1 has also not denied this. The management's contention is that instead of being workmen they were simply clay cartridge suppliers. It appears that the management of Ena colliery in January, 1971 i.e. prior to the take over of the colliery by the Government of India had not put them as category-I clay cartridge mazdoors which they should have done on implementation of the wage board recommendation. After the take over and nationalisation of Ena colliery on 1st May, 1972 the erstwhile system continued. It is an admitted position that the Bharat Coking Coal Limited introduced uniform policy for all the mines and instructions were issued to pay category-I wages even to the lowest type of workers. It appears that even this policy was not applied by the management of Ena colliery in respect of these workers engaged in manufacture of clay cartridges. It is further an admitted position that such of the collieries where blasting process was not introduced pick method was adopted, which means that the miners had themselves to cut the coal. Gradually between 1972 and 1975, all the collieries introduced the blasting process and consequently, has to employ labourers for the purpose of preparation and supply of clay cartridges. Shri Bosco tells me that even after the introduction of blasting system in such of the collieries where blasting system was newly introduced, the workers engaged in preparation of clay cartridges were not designated as clay cartridge mazdoors in category-I. The collieries treated them as suppliers and payment used to be made to them at varying rates by such collieries. He further tells me that such workmen are now facing unemployment because the collieries are contemplating introduction of machines for the purpose of manufacture of clay cartridges. This has created an abnormal situation so that a large number of disputes have been raised, and so far as this Court is concerned, we have three references before us which have been simultaneously heard. Shri Joshi tells me that several references on the same point are pending before other Tribunals also. The position, therefore is that had the colliery management described them as clay cartridge mazdoor, category-I at the time of nationalisation or even after the introduction of blasting system, as per recommendation of the wage board, no such dispute would have arisen. The question is whether there was any difficulty with the collieries in designating them as category-I mazdoors. It is here that we have to consider the evidence adduced on behalf of the parties.

8. On behalf of the concerned workmen it has been the plea that they are manufacturing clay cartridges in the colliery premises and they have located the place of work near the pits. During dry season they dry the clay cartridges in the sun and during rains the colliery permits them to use coal which is burnt to dry these clay cartridges. This is precisely the plea taken by the union at the time of conciliation which is evident from the papers placed on this record. So far as the management is concerned the preparation of clay cartridges in the colliery premises is denied and they are said to be mere suppliers. Shri Joshi tells me that there are several items which are supplied to the colliery by suppliers and such suppliers cannot be said to be workmen of the colliery. There is no evidence to indicate that these workmen not only supply clay cartridges to Ena colliery but to some other collieries also. So far as the workmen are concerned their case is that they supply to Ena colliery only. They are different from other suppliers because the wage board recommendation describes the makers of clay cartridges as mazdoors in category-I. We cannot therefore say that they are ordinary suppliers of goods to the colliery because all indications are that they manufacture clay cartridges for the purpose of supply to one colliery and in this case the Ena colliery. It is therefore apparent that on nationalisation of the coal industry the management of Ena colliery should have been fair to these clay cartridge makers in putting them as category-I mazdoors. But this was not done and they have been paid initially by counting and subsequently on the basis of blasting. According to the workmen this has put them in loss and they are now

demanding to be placed as category-I clay cartridge mazdoor. From the above it is clear that these workmen have got a good case for being placed as category-I clay cartridge mazdoor with effect from 1st May, 1972 i.e. from the date of nationalisation.

9. Thus, having considered all aspects of the case I hold that the demand of the workmen of Ena colliery of Messrs Bharat Coking Coal Limited, Post office Dhanbad, District Dhanbad that the management should treat Shri Ram Awtar Kurmi, Shrimati Ram Bai, Shrimati Mungrai Bai, B.P. and Shrimati Hasina Khatoon, Clay Cartridge mazdoors as their workmen and that they should be paid category-I wages is justified. Consequently, all the above workmen should be treated as the workmen of Ena colliery with effect from 1st May, 1972, and should be paid difference of category-I wages with effect from 1st May, 1972. They are also entitled to all the back wages and other emoluments with effect from 1st May, 1972.

This is my award.

J. P. SINGH, Presiding Officer
[No. L-20012/64/79-D.III(A)]

S.O. 852.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 2, Dhanbad, in the industrial dispute between the employers in relation to the management of North Tisra Colliery of Messrs Bharat Coking Coal Limited, Post Office Khas Jeenagora, District Dhanbad and their workmen, which was received by the Central Government on the 16th February, 1981.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) DHANBAD

Reference No. 2 of 1980

In the matter of an industrial dispute under S. 10(1)(d) of the I.D. Act, 1947

PARTIES :

Employers in relation to the management of North Tisra colliery of Messrs Bharat Coking Coal Limited, Post office Khas Jeenagora, District Dhanbad.

AND

Their workmen.

APPEARANCES :

On behalf of the employee—Shri B. Joshi, Advocate.
On behalf of the workmen—Shri S. Bosco, Secretary Rastriya Mazdoor Sangh, Dhanbad.

STATE : Bihar.

INDUSTRY : Coal.

Dhanbad, 9th February, 1981

AWARD

This is a reference under S. 10 of the I.D. Act, 1947. The Central Government by its notification No. L-20012/183/79-D.III(A) dated 6th February, 1980 has referred this dispute to this Tribunal for adjudication on the following points:

SCHEDULE

"Whether the demand of the workmen of North Tisra colliery of Messrs Bharat Coking Coal Limited, Post office Khas Jeenagora, District Dhanbad, that the management should treat Sarvashri Ram Swarup Paswan, Hira Yadav, Sushila Ravidasin, Rohan Rajwar, Behari Bhuiya, Ganesh Bhuiya, Jogesh Bhuiya, Sadhu Bhuiya, Suraj Narain and Hari Narayan Singh, Clay Cartridge Mazdoors as their workmen and that they should be paid category-I wages is justified ? If so, to what relief are the said workmen entitled and from what date ?"

2. The case of the workmen is that they are employed in different units of North Tisra colliery which has been formed by the present management amalgamating a number of collieries of private ownership, prior to take over by the Central Government. They are engaged in making clay cartridges which are one of the most essential item required for production of coal from the different mines of the management. They are rendering services to the management and producing goods for the management for production of coal which is

the main business of the management. Their case further is that immediately after the take over of the colliery and subsequent to nationalisation the management declared that pending finalisation the rate and grade of wages no workman should be paid less than category-I rate of wages w.e.f. 1-5-72. But the management of North Tisra colliery did not pay the concerned workmen category I rate of wages in the time scale in spite of repeated request by the workmen themselves as well as by their trade union. Consequently, the union of the workmen represented their case before the Assistant Labour Commissioner (C) Dhanbad who took up the matter with the representative of the parties and held conciliation proceeding. Due to adamant attitude of the management the conciliation ended in failure and ultimately this reference was made by the Government of India, Ministry of Labour for adjudication to this Tribunal. The prayer of the workmen is to regularise them in category-I w.e.f. 1-5-1972 with full difference of wages and all other emoluments payable to category I time rate worker.

3. The management has taken the plea that the concerned persons were never the employees of North Tisra colliery at any time. It has been admitted that they are suppliers of earth pellets locally called Goli Matti which are required inside the mine for the purpose of steaming shot holes after charging the same with explosives. According to the management explosives, detonators, fuses and earth pellets are purchased from the suppliers. It has been explained that the explosive, detonators and fuses are manufactured at specialised factories, but earth pellets are manufactured by local people from ordinary soil. The earth pellets are nothing but more or less cylindrical shape 'mitti pieces' of 1 inch diameter and approximately of 6" to 9" in length. The concerned person manufacture these pellets from the earth available on the surface at different places and supply the same to the management. The management does not exercise any control over the concerned persons and no supervisions are exercised over them or over the pellet making. In short, they are independent suppliers of clay cartridge.

4. On behalf of the concerned workmen Shri Ram Surup Paswan has been examined as WW. 1. He is one of the concerned workmen. According to him he and other workmen prepare clay cartridges in North Tisra colliery. The cartridges are prepared at a site about 100 yards from the incline mouth. The concerned workmen work at three places contiguous to different inclines. They obtain clay for the purpose of making cartridges from the premises of the colliery. The implements of digging earth for the purpose of preparation of cartridges are all supplied by the colliery. The cartridges are dried up in sun, but in cloudy weather the BCCL provides coal for burning in order to dry the cartridges. The colliery makes weekly payment and each of the concerned workman get about Rs. 30 or Rs. 35 per week. They generally arrive in the colliery at about 8 A.M. and work for the entire day and leave the colliery at about 7 or 8 P.M. He has further said that they do not get anything as dearness allowance, bonus etc. The witness has said that they have been working on this job of preparation of cartridges ever since this system was introduced in the colliery i.e. since one year before the nationalisation of coal, and since then they have been working regularly in Tisra colliery. In the cross-examination the witness has said that they get payment @ Rs. 10 for 1,000 of cartridges supplied by them. He has further said that for all the cartridges supplied vouchers are prepared in the colliery office on the basis of which payments are made.

5. On behalf of the management MW-1 Shri S. P. Tekriwal was examined. He has been the manager of North Tisra colliery since January, 1980. His evidence is that in their colliery they purchase the clay cartridges from the suppliers. The persons concerned in this reference are not workmen of their colliery. The witness has said that they purchase clay cartridges for the colliery and pay the suppliers at the rate of Rs. 10 per thousand cartridges. He has further said that the concerned workmen do not manufacture the clay cartridges inside the premises of the colliery and the management never supply the concerned workmen any implements such as cane baskets, etc. or coal for the preparation of clay cartridges. In cross-examination the witness has said that for the purpose of blasting clay cartridges are very essential.

6. Before I go to discuss the evidence in this case I would like to point out the background under which this dispute has arisen. Shri Sankar Bose, Secretary, Rastriya Colliery Mazdoor Sangh and Shri B. Joshi, Advocate representing the management have both admitted that prior to nationalisation

some of the collieries used to have mechanised system where production of coal used to be done under the process of blasting. Those mechanised collieries used to have a set of workers engaged in preparation of clay cartridges without which the blasting process could not be completed. In short, clay cartridges are essential for the purpose of blasting of coal in the mine. It is also an admitted position that in order to bring about an uniformity of mode of payment of wages to such type of workers, the wage board in its recommendation in the year 1967 classified them as clay cartridges mazdoors. At page 42 of Vol. II Appendix V. Under Sl. No. 26 the following entries have been made :

26 Clay Cartridge—

A person who makes clay cartridges of about 1-1/2" diameter and 6" long to be used for steaming shots when shot firing is done. (Those formerly designated as 'Goli Matti' or 'Mud Pellet Mazdoors' will henceforward be known as Clay Cartridge Mazdoors.)

7. It will appear from the above that such workmen were even during the time of recommendation of the wage board were known as "Goli Matti" or 'Mud Pellet Mazdoors'. Under wage board recommendation they were to be known as Clay Cartridge mazdoors in category I. This wage board recommendation was accepted by the coal industry without any exception so that when the Government of India took over this colliery the recommendation of the wage board had already been applied in all the collieries. So far as North Tisra is concerned the written statement of the workmen has made specific plea that they have been serving in the colliery since before the nationalisation of coal industry i.e. 1-5-1972. The evidence of WW-1 is the same. The management has not denied it. MW-1 has also not denied this. The management's contention is that instead of being workmen they were simply clay cartridge suppliers. It appears that the management of North Tisra colliery prior to the take over of this colliery by the Government of India had not put them as category-I clay cartridge mazdoors which they should have done on implementation of the wage board recommendation. After the take over and nationalisation of North Tisra colliery on 1-5-1972 the erstwhile system continued. It is an admitted position that the Bharat Coking Coal Limited introduced uniform policy for all the mines and instructions were issued to pay category-I wages even to the lowest type of workers. It appears that even this policy was not applied by the management of North Tisra colliery in respect of these workers engaged in manufacturing of clay cartridges. It is further an admitted position that such of the collieries where blasting process was not introduced pick method was adopted which means that the miners had themselves to cut the coal. Gradually between 1972 and 1975, all the collieries introduced the blasting process and consequently had to employ labourers for the purpose of preparation and supply of clay cartridges. Shri Bose tells me that even after the introduction of blasting system in such of the collieries where blasting system was newly introduced, the workers engaged in preparation of clay cartridges were not designated as clay cartridge mazdoors in category I. The collieries treated them as suppliers and payment used to be made to them at varying rates by such collieries. He further tells me that such workmen are now facing unemployment because the collieries are contemplating introduction of machines for the purpose of manufacture of clay cartridges. This has created an abnormal situation so that a large number of disputes have been raised, and so far as this court is concerned, we have three references before us which have been simultaneously heard. Shri Joshi tells me that several references on the same point are pending before other Tribunal also. The position, therefore, is that had the colliery management described them as clay cartridge mazdoors, category-I at the time of nationalisation or even after the introduction of blasting system, as per recommendation of the wage board, no such dispute would have arisen. The question is whether there was any difficulty with the collieries in designating them as category-I mazdoors. It is here that we have to consider the evidence adduced on behalf of the parties.

8. On behalf of the concerned workmen it has been the plea that they are manufacturing clay cartridges in the colliery premises and they have located the place of work near the incline mouth. During dry season they dry the clay cartridges in the sun and during rains the colliery permits them to use coal which is burnt to dry these clay cartridges. This is precisely the plea taken by the union at the time of conciliation. So far as the management is concerned the preparation of clay cartridges in the colliery premises is denied

and they are said to be mere suppliers. Shri Joshi tells me that there are several items which are supplied to the colliery by suppliers and such suppliers cannot be said to be workmen of the colliery. There is no evidence to indicate that these workmen not only supply clay cartridges to North Tisra colliery but to some other collieries also. So far as the workmen are concerned their case is that they supply to North Tisra colliery only. They are different from other suppliers because the wage board recommendation describes the makers of clay cartridges as mazdoors in category-I. We cannot therefore say that they are ordinary suppliers of goods to the colliery because all indications are that they manufacture clay cartridge for the purpose of supply to one colliery, and in this case the North Tisra colliery. It is, therefore, apparent that on nationalisation of the coal industry the management of North Tisra colliery should have been fair to these clay cartridge makers in putting them as category-I mazdoors. But this was not done and they have been paid initially by counting and subsequently on the basis of blasting. According to the workmen this has put them in loss and they are now demanding to be placed as category-I clay cartridge mazdoors. From the above it is clear that these workmen have got a good case for being placed as category I clay cartridge mazdoors with effect from 1-5-1972 i.e. from the date of nationalisation.

9. Thus, having considered all aspects of the case, I hold that the demand of the workmen of North Tisra colliery of Messrs Bharat Coking Coal Limited, Post office Jeenagora, District Dhanbad that the management should treat Sarvashri Ram Swarup Paswan, Hira Yadav, Sushila Ravidasin, Rohans Rajwar, Behari Bhuiya, Ganesh Bhuiya, Jogesh Bhuiya, Sadhu Bhuiya, Suraj Narain and Hari Narayan Singh, Clay Cartridge Mazdoors as their workmen and that they should be paid category-I wages is justified. Consequently, all the above workmen should be treated as the workmen of North Tisra colliery with effect from 1-5-1972, and should be paid difference of category-I wages with effect from 1-5-1972. They are also entitled to all the back wages and other emoluments with effect from 1-5-1972.

This is my award.

J. P. SINGH, Presiding Officer.
[No. L-20012/183/79-D.III(A)]

S.O. 853.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 2, Dhanbad, in the industrial dispute between the employers in relation to the management of Jeenagora Colliery of Messrs Bharat Coking Coal Limited, Post Office Khas Jeenagora, District Dhanbad and their workmen, which was received by the Central Government on the 16th February 1981.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) DHANBAD

Reference No. 3 of 1980

In the matter of a reference under S. 10(1)(d) of the
I. D. Act, 1947

PARTIES:

Employers in relation to the management of Jeenagora colliery of Messrs Bharat Coking Coal Limited, Post Office Khas Jeenagora, District Dhanbad

AND

Their workmen.

APPEARANCES :

On behalf of the employers.—Shri B. Joshi, Advocate.
On behalf of the workmen.—Shri S. Bose, Secretary,
Rastriya Colliery Mazdoor Sangh, Dhanbad.

STATE : Bihar.

INDUSTRY : Coal.

Dhanbad, 10th February, 1981

AWARD

This is a reference under S. 10 of the I.D. Act, 1947. The Central Government by its notification No. L-20012/184/79-D.III(A) dated 11th February, 1980 has referred this

dispute to this Tribunal for adjudication on the following points :

SCHEDULE

"Whether the demand of the workmen of Jeenagora colliery of Messrs Bharat Coking Coal Limited, Post office Khas Jeenagora, District Dhanbad that the management should treat Sarvashri Atul Mahato, Pusti Mahato, Panchu Bhuiya, Dukhni Mahatain, Fulmani Mahatain, Lal Chandra, Rajnath Clay Cartridge Mazdoors as their workmen and that they should be paid category-I wage is justified ? If so, to what relief are the said workmen entitled and from what date ?"

2. The case of the workmen is that they were engaged by the management some time in the later part of 1975 for preparation of Clay cartridge at the colliery for using the same in the process of production of coal. Their further case is that they are entitled to be paid time rated wages in category I as described in the Coal wage board recommendation which has been accepted by BCCL and implemented the same with improvement in subsequent wage agreements. But the management of Jeenagora colliery did not pay the concerned workmen category I rate of wages in the time scale inspite of repeated request by the workmen themselves as well as by their trade union. Consequently, the union of the workmen represented their case before the Assistant Labour Commissioner (C) Dhanbad who took up the matter with the parties and held conciliation proceeding. Due to adamant attitude of the management the conciliation ended in failure and ultimately this reference was made by the Government of India, Ministry of Labour for adjudication to this Tribunal. Their further case is that the job performed by them at the colliery are for the benefit of the management and the service rendered for the benefit of the management and as such there is clear employer-employee relationship between them and the management. The prayer of the workmen is to regularise them in category-I from the date of their employment in the colliery in 1975.

3. The management has taken the plea that the concerned workmen are not the workmen of any coal mine. There is no employer-employee relationship between the management and the concerned persons. It has been admitted that they are suppliers of earth pellets locally called 'Goli Matti' which are required inside the mine for the purpose of steaming shot holes after charging the same with explosives. According to the management explosives, detonators, fuses are and earth pellets are purchased from the suppliers. It has been explained that the earth pellets are manufactured by local people from ordinary soil and the management purchase the same locally in order to encourage the local artisans and small scale manufacturers. The concerned persons manufacture these pellets from the earth available on the surface at different places and supply the same to the management. The management does not exercise any control over the concerned persons and no supervisions are exercised over them or over the pellet making. In short, they are independent suppliers of clay cartridge.

4. On behalf of the concerned workmen Shri Panchu Bhuiya has been examined as WW-1. He is one of the concerned workmen. According to him he and workmen work in Jeenagora colliery in preparation of clay cartridges. They work in the gang—one in Jeenagora incline and the other in Kalithan incline. Their place of work is few hundred feet away from the incline mouth. The witness has said that they collect earth from the premises of the BCCL. All the tools and implements are supplied by the BCCL for the preparation of clay cartridges. He has further said that they dry the clay cartridges in the sun and in the cloudy weather the coal is sunned by the BCCL by dint of which they dry the clay cartridges and dry the mine. He has said that they used to work as general mazdoors prior to the preparation of clay cartridges. After nationalisation when the system of blasting was introduced in the BCCL they were doing the work of preparation of clay cartridges. The witness has said that they are paid @ Rs 10 per 1,000 cartridges prepared by them. They are paid @ Rs 30 or Rs. 35 per week and they do not get anything else such as dearness allowance or bonus etc except 35. In cross-examination the witness has said that they are paid on the vouchers prepared on the basis of clay cartridges supplied by them.

5. On behalf of the management MW-1 Shri M. N. M-472 was examined. He has been working as an Agent of Jerna-

gora colliery from January, 1980 and prior to that he was at North Tisra as Manager. He has said that the clay cartridges are supplied to the colliery by the suppliers. Shri Atal Mahato is one of the suppliers of clay cartridges. The management make the payment on the basis of the bills supplied by the suppliers on vouchers. The bunch of bills and vouchers in respect of payment made to Shri Atul Mahato is Ext. M1. Another bunch of bills and vouchers is in respect of Shri Amulya Bauri (not a concerned workman) is Ext. M2. He has further said that the colliery does not supply the concerned workmen with implements for preparation of clay cartridges such as spade baskets, etc. He has further said that whenever any such articles as baskets etc. are supplied from the colliery to a workman it is done after making necessary entries in the store register. He has proved store register, Ext. M3 which shows that no such articles were supplied to the concerned workmen. The witness has said that whenever coal is issued to any workman, the management issue to the workmen a coal card against which the coal is supplied. Coal card is issued from the Personnel section to the workmen. In cross-examination the witness has said that he had no concern with Jeenagora colliery prior to 18-1-1980 and Exts. M1 and M2 do not pertain to the period when he was Agent of Jeenagora colliery. In cross-examination the witness has said that he cannot say if Ext. M3 if the store issue register has ever been audited. The store-issue register (Ext. M3) is 1st April 1980 to 31-7-80. The witness has admitted that Ext. M3 has not been filled in as required under the different columns of the register.

6. Before I go to discuss the evidence in this case I would like to point out the background under which this dispute has arisen. Shri S. Bose, Secretary, Rastriya Colliery Mazdoor Sangh and Shri B. Joshi, Advocate representing the management have both admitted that prior to nationalisation some of the collieries used to have mechanised system where production of coal used to be done under the process of blasting. Those mechanised collieries used to have a set of workers engaged in preparation of clay cartridges without which the blasting process could not be completed. In short, clay cartridges are essential for the purpose of blasting of coal in the mine. It is also an admitted position that in order to bring about an uniformity of mode of payment of wages to such type of workmen, the wage board in its recommendation in the year 1967 classified them as clay cartridges mazdoors. At page 42, Vol. II Appendix V, under Sl. No. 26 the following entries have been made :

"26 Clay Cartridge—

A person who makes clay cartridges of about 1-1/2" diameter and 6" long to be used for steaming shots when short firing is done. (Those formerly designated as 'Goli Matti' or 'Mud Pellet Mazdoors' will hence forward be known as Clay Cartridge Mazdoors.)"

7. It will appear from the above that such workmen were even during the time of recommendation of the wage board were known as 'Goli Matti' or 'Mud Pellet Mazdoor'. Under wage board recommendation they were to be known as Clay Cartridge mazdoors in category I. This wage board recommendation was accepted by the coal industry without any conception so that when the Government of India took over this colliery the recommendation of the wage board had already been applied in all the collieries. So far as Jeenagora colliery is concerned the written statement of the workmen has made specific plea that they have been serving in the colliery since sometime in the later part of 1975. The evidence of WW-1 is the same. The management has not denied the evidence of WW-1. The management's contention is that instead of being workmen they were simply clay cartridge suppliers. It appears that the management of Jeenagora colliery prior to the take over of this colliery by the Government of India had not put them as category-I clay cartridge mazdoors which they should have done on implementation of the wage board recommendation. After the take over and nationalisation of Jeenagora colliery on 1-5-1972 theerswhile system continued. It is an admitted position that the Bharat Coking Coal Limited introduced uniform policy for all the mines and instructions were issued to pay category-I wages even to the lowest type of workmen. It appears that even this policy was not applied by the management of Jeenagora colliery in respect of these workers engaged in manufacturing of clay cartridges. It is further an admitted position that such of the collieries where blasting process was not introduced, pick method was adopted which

means that the miners had themselves to cut the coal. Gradually between 1972 and 1975, all the collieries introduced the blasting process and consequently had to employ labourers for the purpose of preparation and supply of clay cartridges. Shri Bose tells me that even after the introduction of blasting system in such of the collieries where blasting system was newly introduced, the workers engaged in preparation of clay cartridges were not designated as clay cartridge mazdoors in category I. The collieries treated them as suppliers and payment used to be made to them at varying rates by such collieries. He further tells me that such of the workmen are now facing unemployment because the collieries are contemplating introduction of machines for the purpose of manufacture of clay cartridges. This has created an abnormal situation so that a large number of disputes have been raised, and so far as this court is concerned, we have three references before us which have been simultaneously heard. Shri Joshi tells me that several references on the same point are pending before other Tribunals also. The position, therefore, is that had the colliery management described them as clay cartridge mazdoors, category-I at the time of nationalisation or even after the introduction of blasting system, as per recommendation of the wage board, no such dispute would have arisen. The question is whether there was any difficulty with the collieries in designating them as category-I mazdoors. It is here that we have to consider the evidence adduced on behalf of the parties.

8. On behalf of the concerned workmen it has been the plea that they are manufacturing clay cartridges in the colliery premises and they have located the place of work near the incline mouth. During dry season they dry the clay cartridges in the sun and during rains the colliery permits them to use coal which is burnt to dry these clay cartridges. This is precisely the plea taken by the union at the time of conciliation. So far the management is concerned the preparation of clay cartridges in the colliery premises is denied and they are said to be mere suppliers. Shri Joshi tells me that there are several items which are supplied to the colliery by suppliers and such suppliers cannot be said to be workmen of the colliery. There is no evidence to indicate that these workmen not only supply clay cartridge to Jeenagora colliery but to some other collieries also. So far as the workmen are concerned their case is that they supply to Jeenagora colliery only. They are different from other suppliers because the wage board recommendation describes the makers of clay cartridges as mazdoors in category-I. We cannot therefore say that they are ordinary suppliers of goods to the colliery because all indications are that they manufacture clay cartridges for the purpose of supply to the colliery, and in this case the Jeenagora colliery. It is, therefore, apparent that on nationalisation of the coal industry the management of Jeenagora colliery should have been failure these clay cartridge makers in putting them as category-I mazdoors. But this was not done and they have been paid initially by counting and subsequently on the basis of blasting. According to the workmen this has put them in loss and they are one demanding to be placed as category-I clay cartridge mazdoors. From the above it is clear that these workmen have got a good case for being placed as category I clay cartridge mazdoor. In this case the written statement of the workmen shows that the concerned workmen have been engaged as clay cartridge mazdoor from the later part of 1975. So later part of 1975 is the only relevant time from which we can consider their case for any relief as clay cartridge mazdoors. Since no date has been specified in the written statement or the evidence of WW-1, we may safely put 1-10-75 as the date for the purpose of the reference so that there may not be any confusion in computation the claim for difference of wages or any other relief. I have already discussed the evidence of MW-1.

In his evidence as MW-1 he has proved, Exts. M1, M2 and M3. Ext. M3 is the store issue register which is for the period from 1-4-1980 to 31-7-1980. Shri Joshi the learned Advocate representing the management has argued that spade, baskets, etc. were never supplied to the concerned workmen. In this connection Shri S. Bose representing the workmen has argued that spade, baskets etc. which were given to the workmen for the preparation of clay cartridges were issued much before 1980. Moreover, it was not necessary that such implements would be issued to the concerned workmen every year. This issue register is from 1st April, 1980 and therefore it cannot give exact picture as to whether the implements were not issued to the concerned workmen for the purpose of preparation of clay cartridge. Further, this register has not been properly filled in.

9. This, having considered all aspects of the case I hold that the demand of the workmen of Jeeangora colliery of Messrs Bharat Coking Coal Limited, Post office Khas Jeeangora District Dhanbad that the management should treat Sarvashri Atul Mahto, Pusti Mahto, Panchal Bhuiya, Dukhni Mahatain, Gujani Manatain, Lal Chandra, Rajnath, Clay Cartridge Mazdoors as their workmen and that they should be paid category-I wage is justified. Consequently, all the above workmen should be treated as the workmen of Jeeangora colliery with effect from 1-10-1975 and should be paid difference of category I wages with effect from 1-10-1975. They are also entitled to all the back wages and other emoluments with effect from 1-10-1975.

This is my award.

J. P. SINGH, Presiding Officer
[No. L-20012/184/79-D.III(A)]

New Delhi, the 28th February, 1981

S.O. 854.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 1, Dhanbad, in the industrial dispute between the employers in relation to the management of Mandman Colliery of Messrs Eastern Coalfields Limited Post Office Nirsachatti, District Dhanbad and their workmen, which was received by the Central Government on the 17th February, 1981.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

In the matter of a reference under Section 10(1)(d) of the Industrial Disputes Act, 1947.

Reference No. 42 of 1978

PARTIES :

Employers in relation to the management of Mandman Colliery of Messrs Eastern Coalfields Limited, Post Office Nirsachatti, Dist. Dhanbad.

AND

Their Workmen.

APPEARANCES :

For the Employers : Shri T. P. Choudhury, Advocate.

For the Workman : Shri S. Bose, Secretary, Rashtriya Colliery Mazdoor Sangh, Dhanbad.

STATE : Bihar.

INDUSTRY : Coal.

AWARD

Dhanbad, the 11th February, 1981

By Order No. L-20012/147/78-D.III(A), dated the 4th November, 1978, the Central Government being of opinion that an industrial dispute existed between the employers in relation to the management of Mandman Colliery of M/s. Eastern Coalfields Limited, Post Office Nirsachatti, District Dhanbad and their workmen in respect of the matter specified in the schedule attached to the order, referred the dispute to this Tribunal for adjudication. The schedule to the reference is quoted herein below.

"Whether the demand of the workmen of Mandman Colliery of Messrs Eastern Coalfields Limited, Post Office Nirsachatti, District Dhanbad, for designating and regularising Sarvashri Adya Nand Singh and Nand Kumar Singh as Clerks Grade II is justified? If so, to what relief are the said workmen entitled and from what date?"

2. After notice to the parties they have filed their respective written statements. The union sponsoring the dispute has filed rejoinder. The management, however, has amended its written statement more than once. The case as made out in pleadings of the parties may be stated in brief as follows. Mandman Colliery which is the colliery in question in the case is a non-coking coal mine. The management of the colliery was taken over by the Central Government on 31-1-73. On 1-5-1973 the colliery was nationalised. After nationalisation the ownership of the colliery for sometime remained with Coal Mines Authority Ltd. Thereafter Eastern Coalfields Ltd. became the owner of the colliery with effect from 1-11-75.

The two concerned workmen in the case say that they were working in this colliery from before 31-1-1973—Adya Nand Singh one of the two concerned workmen as Supervisor to mining contractor. After take over several workmen who were working in the colliery before were thrown out or unemployed. The known out employees represented their case before the authorities as a result where of some of them were taken into service in the colliery including the two concerned workmen on different dates. Adya Nand Singh joined duty as Magazine Clerk with effect from 12-11-1973 whereas Nand Kumar Singh joined as Register Keeper with effect from 28-11-1973. Subsequently, however, Nand Kumar Singh was posted in the colliery as M.O. Clerk. Form B Register Ext. M-13 as it stood on the date of take over shows the names of the two concerned workmen at Sl. Nos. 200 and 225. According to the entries in the Form B Register the two concerned workmen were more Pump Khalasis. The case of the concerned workmen is that in spite of such record in the Form B Register since the date of take over they worked as Clerks in Gr. II. It is not dispute that the post of Magazine Clerk in which Adya Nand Singh joined on 12-11-1973 and the posts of Register Keeper and of M.O. Clerk in which Nand Kumar Singh joined belong to Clerical Gr. II. It is not disputed that in spite of the entries to the above fact in the Form B Register the concerned workmen from the dates when they were reinstated in service after take over never worked as Khalasis and were all along doing the work of clerks in Gr. II. This continued till 10-8-1976. With effect from 11-8-1976 the two concerned workmen were not allowed to do clerical duty as before and by an Office Order on that date Ext. W-2 they were asked to do the work of Lamp Attendants. The post of a Lamp Attendant is the post of semi-skilled mazdoor who is a daily rated worker in Cat. II. In the Office Order Ext. W-2 the name of Adya Nand Singh appears against Sl. No. 4 and the name of Nand Kumar Singh appears against Sl. No. 3. This Office Order further shows that two other persons, namely, P. M. Shah and B. P. Mahato whose names appear against serial Nos. 2 and 5 respectively in the Office Order Ext. W-2 were asked to join as M.O. Clerk and Magazine Clerk respectively. It is also not disputed that both the concerned workmen are matriculates and one of them namely Adya Nand Singh has passed pre-University examination. At this stage the case of the management is that although the two concerned workmen were doing clerical jobs in Gr. II their names as well as names of other workmen not belonging to clerical grade were sent for a selection test in order to be found out if they could be absorbed in clerical grade. Out of the persons so sent the two concerned workmen could not qualify themselves in the selection test. So they had to be sent back to their original posts by Office Order Ext. W-2. So far as the workmen mentioned in Sl. Nos. 2 and 5 in the said Office Order were concerned they having qualified themselves in the selection test were absorbed in clerical Gr. II. One of them was posted as M.O. Clerk and other as Magazine Clerk as appears from Ext. W-2. The further case of the management is that the substantive posts to which the two concerned workmen were appointed being that of Pump Khalasis and they having failed to qualify themselves in selection test for being absorbed in clerical grade the management had no option but to revert the two concerned workmen to their original category.

The concerned workmen in spite of the Office Order Ext. W-2 did not join the posts as directed in the Office order, submitted sick reports, absented themselves from duty and ultimately raised the present dispute. The claim of the Two concerned workmen is that the entries in the Form B Register showing that they were initially appointed as Pump Khalasis are false. They being matriculates they could not have been appointed as Pump Khalasis. The management fully realised this and in spite of the entries in the Form B Register posted the two concerned workmen in clerical posts as mentioned above. Being thus appointed to posts in clerical Gr. II from November 1973 right upto 11-8-1976 when the Office Order Ext. W-2 was passed without any adverse remark having been made by the management regarding their performance they should have been taken as permanent clerks in Gr. II and could not have been reverted back as per the direction in Ext. W-2. According to the workmen the story that the names of the two workmen alongwith other names were sent for a selection test for the purpose of being absorbed in clerical grade and that in such test the two concerned workmen did not qualify themselves is a myth and has been invented to deprive the two concerned workmen from their right to hold posts in clerical grade II.

3. The question which falls for determination is very simple. No doubt the entries in Form B Register shows that the two concerned workmen were appointed as Pump Khalasis. These entries bear the signatures of the concerned workmen. Nothing has been shown as to under what circumstances the two workmen put their signature in Form B Register knowing fully well that as per the entries in Form B Register they were appointed as Pump Khalasis. This, however, does not help the management. The fact remains which is admitted by the management that since the two concerned workmen were appointed they were posted as clerks at different places as mentioned above. On the basis of the wagesheets issued by the management it is argued by Mr. J. P. Choudhury learned counsel that the two concerned workmen were simply asked to do the duties of clerks not being allowed to hold clerical posts in Gr. II and so they were getting the difference between the wages of a Pump Khalasi and that of a clerk in Gr. II. Merely because the two concerned workmen were asked to do the duties of clerks in Gr. II while substantively holding posts of Pump Khalasis they could not be said to have any right to hold clerical posts in Gr. II. This contention of the management may be accepted when there are records to show that by some Office Order the concerned workmen were simply asked temporarily to depute in posts of clerks in Gr. II or to officiate in clerical posts. In the absence of any such document it is not possible to accept Mr. Choudhury's contention. If the two concerned workmen were really asked by the management to discharge the functions of clerks in Gr. II temporarily one would not ordinarily see them discharging the duties of clerks in Gr. II for long three years. The story of the management that the two concerned workmen were simply deputising in clerical posts or officiating in such posts temporarily cannot be accepted. No rules have been placed before me to show that no person can be appointed as a clerk by the management unless he qualifies himself in a selection test. True the two concerned workmen were originally taken in as Pump Khalasis as per entries in Form B Register. But in view of the fact that both of them were matriculates and so had the necessary qualification to hold clerical posts in Gr. II they were not allowed to work in the post of Pump Khalasis and were in fact appointed in clerical posts in Gr. II. There was no bar for the management to do this. Facts revealed in the case show that this was the real state of affairs. This being so entries in Form B Register cannot prevail over the existing state of affairs as proved. It is not disputed that Model Standing Orders are applicable in the colliery in question. Under para 3(b) of the Model Standing Orders a 'permanent' workman is one who is appointed for an unlimited period or who has satisfactorily put in three months' continuous service in a permanent post as a probationer. The posts which the two concerned workmen were holding since 1973 were no doubt permanent posts when they were appointed in those posts. It was not stated that they were appointed for a temporary period or were appointed in officiating capacity only. The inference therefore is that their appointment to such post were for unlimited period. They having held those posts for more than three years they should be deemed to have been made permanent in those posts. The probation period contemplated in the provision contained in para 3(b) of the Model Standing Orders is only three months. As against this the two concerned workmen being appointed to clerical posts in Gr. II for unlimited period and having completed more than three years rendering continuous service in the posts without any adverse remark from the management to the effect that their performance is not satisfactory, they should be taken to have complied with the provisions of Model Standing Orders and to have acquired permanent status in the posts held by them. Nothing has been produced by the management that it decided to hold a selection test for the purpose of absorbing certain workmen in clerical grade. No papers have also been produced by the management to show that as a matter of fact a selection test was held and the two concerned workmen did not qualify in such test. This part of the management's case is only supported by the evidence of the Area Safety Officer. Had the management really decided to hold a selection test, had such a test been actually held and had those two workmen not qualified themselves in the test there would have been papers to show all these. Curiously nothing has been produced and the Tribunal is only asked to rely upon the oral testimony of the Area Safety Officer for the purpose of accepting management's case regarding selection test. The Area Safety Officer admits in cross-examination that there are papers to show this and such papers may be available in the office. But still nothing has been produced by the management till the case is argued. It was only in course of argument

Mr. T. P. Choudhury submitted that the management would produce certain documents in support of its story regarding selection test. Accordingly management has produced a letter dated 14-6-76 from the Manager, Mandman Colliery to the Senior Personnel Officer, Mugma Sub Area together with a list of names attached to the letter. In the list attached to the letter the names of the two concerned workmen appear in Sl. Nos. 14 and 15. The letter does not show as deposited to by the Area Safety Officer that several names including the names of the two concerned workmen were sent for selection test. The First para of the letter produced by the management reads thus :

"With reference to the letters cited above we are enclosing herewith a list of the persons who are regularly engaged in the work other than their categories and as such we would request to kindly regularise their cases at any early date. Against the names of the two concerned workmen in the list attached to the letter it has been clearly mentioned that one of them is doing the work of Magazine Clerk and other work of M.O. Clerk. The para quoted above will go to show that the Manager requested the Senior Personnel Officer to regularise the cases of the workmen who are regularly engaged in work not intended to be done by them. This shows that the Manager requested the Senior Personnel Officer to regularise the services of the two concerned workmen and to accept them as Clerks Gr. II. The letter does not show that there was selection test as claimed by the Management nor does it show that the two concerned workmen failed to qualify themselves in the test. The letter only is a request to the Sr. Personnel Officer to categorise the two concerned workmen in their proper grade. As has been stated above the two concerned workmen since the date of take over for a continuous period of more than three years have been doing the work of clerks in Gr. II. There is nothing to show that their performance as clerk for long three years was not satisfactory. The management had a right to appoint the two concerned workmen as clerks even though their initial appointment was as Khalasis in the absence of any rules to the contrary. In all fairness therefore while rejecting the case of the management regarding the selection test I hold that the two concerned workmen are entitled to be categorised as clerks Gr. II and to be designated as such. The Office Order Ext. W-2 cannot deprive the two concerned workmen of their right to hold posts of clerks in Gr. II. In these circumstances the two concerned workmen are entitled to be reinstated in suitable posts belonging to clerical grade II on their reporting for duty within a month from the date the award takes place. In case two concerned workmen report themselves for duty they will be entitled to full back wages with effect from 11-8-1976. The reference is answered accordingly. There will be no order for costs.

B. K. RAY, Presiding Officer
[No. L-20012/147/78-D.III(A)]

S.O. 855.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 3, Dhanbad, in the Industrial dispute between the employers in relation to the management of Damoda Colliery of Messrs. Bharat Coking Coal Limited, Post Office Karmatand, Via-Mohuda (District Giridih) and their workmen, which was received by the Central Government on the 16th February, 1981.

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT NO. 3, DHANBAD

Reference No. 45/80

PARTIES :

Employers in relation to the management of Damoda Colliery of M/s. Bharat Coking Coal Ltd., P. O. Karmatand, Via-Mohuda (Dist. Giridih).

Vs.

Their workmen represented by United Coal Workers Union.

APPEARANCES :

For the Employers—Shri B. Prasad, Deputy Personnel Manager.

For the Workmen—Shri Lalit Burman, Vice-President, U.C.W. Union.

INDUSTRY : Coal.

Dated, the 7th February, 1981

STATE : Bihar

AWARD

The Govt. of India in the Ministry of Labour in exercise of the powers conferred on them U/S 10 (1) (d) of the Industrial Disputes Act, 14 of 1947 have referred the following dispute to this Tribunal for adjudication by their Order No. 1-20012/(20)/80-D.IIIA dated 23rd July, 1980.

SCHEDULE

"Whether the action of the management of Damoda Colliery of M/s. Bharat Coking Coal Ltd., P. O. Karmatand, Via-Mohuda (Dist. Giridih) in dismissing from service Sharyashri Mukhtar Singh and Ram Narayan Pandey, Night Guards, with effect from the 13th April, 1979, is justified? If not, to what relief are the said workmen entitled?"

After due notice to the parties both sides filed their respective written statements and they were directed to file documents if any. On 7-2-81 both the parties have filed a compromise petition duly signed by the representative of both the sides and two witnesses incorporating the terms of settlement. They also pray that an award be passed in terms of the aforesaid settlement.

3. I have gone through the terms of settlement which are beneficial to the concerned workmen.

4. An award is accordingly passed in terms of the aforesaid settlement which shall form part of the award as Annexure 'A'

[No. L-20012/20/80-D.III(A)]

Enc : Settlement

J. N. SINGH, Presiding Officer
S. H. S. IYER, Desk Officer

ANNEXURE 'A'

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL NO. 3 AT DHANBAD

Reference No. 45 of 1980

Employers in relation to the management of Damoda Colliery

AND

Their workmen.

The parties beg to state as follows :—

1. That after the Reference was made before this Honourable Tribunal negotiations started between them with a view to resolve this dispute and after a good deal of discussion, the dispute has been settled on the following terms :—

2. That the concerned workmen namely S/Shri Mukhtar Singh and Ram Narain Pandey will be taken back in service, with immediate effect.

3. That none of them however will be entitled to any wages or other emoluments so long they were out of employment.

4. That the period of their idleness will however be treated as leave without pay for the purpose of continuity of their service.

5. That as a gesture of good will the management will pay a sum of Rs. 1000 (Rupees one thousand only) to each of the workmen. Since the Settlement is fair and reasonable the parties pray that the Honble Tribunal will be pleased to record this settlement and give its Award in terms thereof and this petition may be framed part of the Award.

Sd/-
For and on behalf of the workman—Ilegible.

Sd/-
For and on behalf of the Employer—Ilegible.

Sd/-

Witnesses: Illegible.

Dated the 7th Feb' 81.

Workman Concerned.

Dy. P.M., B.C.C.L.

Sd/- T. P. CHOWDURY (Advocate)

New Delhi, the 28th February, 1981

S.O. 856.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Govern-

ment Industrial Tribunal, New Delhi, in the industrial dispute between the employers in relation to the management of the Western Railway, Kota Division and their workmen, which was received by the Central Government on the 21-2-1981.

BEFORE SHRI MAHESH CHANDRA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, NEW DELHI

I.D. No. 83 of 1980

In re :

The Division Secretary, Paschim Railway Karamchari Parishad, Opp. Lod Hatsthali, Kota-324002.
Petitioner

Versus

The General Manager, Western Railway, Church Gate, Bombay.

The Executive Engineer (S & C-II), Western Railway, Kota Junction. Respondents.

AWARD

The Central Government as appropriate Government referred an Industrial Dispute u/s 10 of the I.D. Act, 1947 in the following terms to this Tribunal vide its order No. L-41012/2/80-D. II(B) dated the 5th August, 1980 :

"Whether the action of the Executive Engineer (Survey and Construction)-II, Western Railway, Kota, in terminating the services of Shri Om Prakash, Jeep Driver, with effect from 10th November, 1979 is justified? If not, to what relief the workman is entitled?"

2. In pursuance of this reference a notice was issued to the parties while the workman put in his appearance through his union, the Management did not put in any appearance inspite of service. In view thereof ex-parte proceedings were ordered against the Management and ex-parte evidence of the workman was recorded. The ex-parte evidence of the workman consists of his statement as W.W. 1 apart from documents Ex. W/1 and Ex. W/2. Ex. W/1 is the letter of retrenchment and Ex. W/2 is the seniority list. The statement of the workman reads as under :

I am working as Jeep Driver since 21-1-1974 with the respondent No. 2. The respondent No. 2 vide letter Ex. W/1 retrenched my services. Though the two junior persons were continued in service. There were five workmen working as Driver as per annexure Ex. W/2. I was made illegally junior by retrenching the workman at serial No. 5 shown in Ex. W/2 and the workman at sl. No. 4 in Ex. W/2 has been transferred to the cadre of X.E.N. III though there were no specific orders of the Competent Authority for transferring the post from one cadre to another. The reasons mentioned in the termination notice as reduction in cadre is also incorrect as there are no orders of reduction in cadre of the post of Driver from the Competent Authority. I have not been paid the retrenchment compensation so far. The respondents has not followed the principle of last come first go."

3. The contention of the workman is that one Shri Abdul Gaffur s/o Shri Alimchand who was junior to him was retained in service while the workman was retrenched. From the perusal of seniority list I do find that Shri Abdul Gaffur was junior as he was recruited on 22-5-78 as against Shri Om Parkash, the concerned workman who was recruited on 21-1-74, as a perusal of Ex. W/2 would show. In view of these facts it follows that the management has not complied with the principle of last come first go while retrenching the workman Om Parkash and consequently I hold that in view of the evidence produced by the workman it is established that the order of retrenchment of workman, Shri Om Parkash, Jeep Driver with effect from 10th November, 1979 is not justified and the workman is deemed to be continuing in service on the same terms and conditions. Accordingly it is awarded that the action of Executive Engineer (Survey and Construction)-II, Western Railway, Kota, in terminating the services of Shri Om Parkash, Jeep Driver, with effect

from 10-11-1979 is not justified and he is entitled to be reinstated and is accordingly reinstated with full back wages and benefits. He will be entitled to costs of these proceedings which are assessed at Rs. 250.

Further Ordered :

That requisite number of copies of this award may be sent to the appropriate Government for necessary action at their end.

MAHESH CHANDRA, Presiding Officer
[No. L-41012/2/80-D.II(B)]
S. S. BHALLA, Desk Officer

Dated : 2nd February, 1981.

New Delhi, the 28th February, 1981

S.O. 857.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, New Delhi, in the industrial dispute between the employer in relation to the management of State Bank of Patiala, Patiala and their workman, which was received by the Central Government on the 21-2-1981.

BEFORE SHRI MAHESH CHANDRA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR-COURT, NEW DELHI

I.D. No. 86 of 1978

In re :

STATE : Punjab

Shri Krishan Chand Yadav, C/o M/s. Raja Ram Kulant Rai, Mansa (Punjab) ... Petitioner

Versus

The General Manager, State Bank of Patiala, The Mall, Patiala. . . Respondent

PRESENT :

None.—for the workman.

Shri N. K. Kausal, Law Officer of the respondent.

AWARD

The Central Government as appropriate Government vide its order No. L-12012/121/77-D.II.A dated the 19/21st October, 1978 referred an Industrial Dispute u/s 10 of the I.D. Act, 1947 to this Tribunal in the following terms :

'Whether the action of the management of State Bank of Patiala in terminating the services of Shri Krishan Chandra Yadav, Clerk-cum-Typist, Narnaul Branch of the Bank with effect from 30-7-72 is legal and justified ? If not, to what relief is the workman concerned entitled ?'

2. On receipt of the reference it was ordered to be registered and notices were sent to the parties. After the parties appeared a statement of claim was filed by the workman. Then a written statement was filed and finally a replication was filed. Upon the pleadings of the parties following three issues were framed vide my order dated 1-9-79 and the case was then adjourned for evidence : Issues :

1. Whether the workman has resigned his job ?
2. As in order of reference.
3. Whether the reference is void ?

In so far as before any evidence of the workman was recorded the workman absented. Ex parte proceedings were ordered against the workman vide my order dated 22-12-79 but later on when the workman appeared said ex parte order was set aside and the case was adjourned for evidence of the workman. The workman filed his affidavit by way of his evidence on the 8th of August, 1980 and the case was adjourned for his cross examination to 4th October, 1980. On 4th October, 1980 none appeared for the workman and the case was adjourned to 13th November, 1980. On 13th November, 1980 again none appeared for the workman. In view thereof following order was passed by me :

None for workman

It appears that the workman is not interested in the prosecution of the case as he has not been appearing for the last 2 hearings. In view thereof ex parte order is passed against the workman. (Announced).

Affidavit has been filed in support of the contention of the bank management. Last statement of Shri N. K. Kaushal be recorded.

3. Thereafter evidence of the Management was recorded which consists of three affidavit apart from the documents record. Shri N. K. Kaushal the representative of the Management came forward with the following that date:

Statement of Shri N. K. Kaushal on SA.—I tender affidavit A/1-3 into evidence. Documents placed on record by the management may be exhibited and read as part of my statement and are within.

The case was then adjourned for arguments to 3rd January, 1981. I have heard the arguments of representative of the Management and have gone through the file and after giving my considered thought to the matter before me I have come to the following findings :

4. Issue No. 1 :

The case of the workman as disclosed from his statement of claim is that after qualifying in the written test held in December, 1970 he was interviewed at the Head office of the Bank on 3rd May, 1971 and was then called upon by the Bank for a typing test on 6th June; that he was appointed in a temporary capacity as typist-cum-clerk of Narnaul Branch vide letter dated the 7th July, 1971; that he continued to work with the Bank, wth some artificial breaks till 30th July, 1972 when his services were terminated by the Bank; that the termination was illegal, unenforceable and not justified and he was entitled to be reinstated with full back wages.

5. In the written statement it is contended on behalf of the Bank that the appropriate Government had refused to make reference in the first instance in this matter and as such subsequent reference is unwarranted and illegal. It is further urged that the workman had resigned from the job in as much as he had failed to qualify in the typing test and therefore he was not entitled to any relief what-so-ever.

6. In order to establish that the workman had resigned the Management has examined Shri S. K. Kaul, Chief Inspector, Staff Training Centre of the State Bank of Patiala as M.W. 3 who has proved his affidavit Ex. M.W. 3/1 and original letter dated 4-5-73, M.W. 3/2 addressed by the Narnaul Branch of the Bank to the General Manager. This witness has further stated that Shri K. C. Yadav, the workman had resigned from the service and his resignation had been accepted by the Branch Manager. M.W. 4 is Shri B. R. Sharma who has tendered into evidence his affidavit Ex. M.W. 4/1. He has also proved letter Ex. M.W. 3/2 and it is stated by this witness that he had accepted the resignation of Shri K. C. Yadav as he was posted as Branch Manager at that time. It is further stated by him that the resignation was dated 2nd April, 1973 and was accepted w.e.f. 12-4-73. He has further proved entry Ex. M.W. 4/2 which shows the workman to have resigned from the service w.e.f. 12-4-73. From the perusal of this ex parte evidence of the Bank it is established prima facie that the workman had himself resigned from the service and as such this issue is decided in favour of the Management and against the workman.

7. Issue No. 2 :

In view of my findings upon issue No. 1 it would follow that the workman having resigned himself from the post there was no question of the respondent bank terminating his services w.e.f. 30-7-72 and as much it is held that the Management of State Bank of Patiala had not terminated the services of Shri K. C. Yadav from the post of clerk-cum-typist Narnaul Branch of the Bank w.e.f. 30-7-72 and rather the workman had himself resigned from the said post. It would therefore follow that the workman was not entitled to any relief what-so-ever in this reference.

8. Issue No. 3 :

The contention of the Management is that the Central Government had already refused to make a reference and therefore was not empowered and competent to make this reference. The 1st representative of the Bank has not been able to draw my attention to any such authority. The power to make reference is administrative power and does not stand exhausted if once a decision has been taken not to make the reference. It is always open to the Central Government as appropriate Government to re-consider the whole question afresh and make a reference. In view thereof this issue is decided against the Management.

9. For my discussions and findings above, it is held awarded that the workman had himself resigned from the service and as such there was no question of terminating his services by the Bank—Management and consequently the workman was not entitled to any relief what-so-ever. However the parties would bear their own costs.

Further Ordered :

Requisite number of copies of this award may be sent to the appropriate Government for necessary action at their end.

Dated, the 19th January, 1981.

MAHESH CHANDRA, Presiding Officer
[No. L-12012/121/77-D.II(A)]

S.O. 858.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Calcutta, in the industrial dispute between the employers in relation to the management of State Bank of India, Calcutta and their workman, which was received by the Central Government on the 17th February, 1981.

**CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL.
CALCUTTA**

Reference No. 86 of 1978

PARTIES:

Employers in relation to the management of State Bank of India, Calcutta.

AND

Their workman, Shri Ram Laik Singh.

APPEARANCES:

On behalf of Employers—Mr. P. K. Mukherjee, Advocate, with Mr. Amalesh Mitra, Law Officer.

On behalf of Workman—Mr. Anil Das Chowdhury, Advocate.

STATE : West Bengal.

INDUSTRY : Banking.

AWARD

This reference is by the Government of India under Section 10 of the Industrial Disputes Act, 1947 based upon its Order No. L-12012/140/77-D.II.A dated 21st/24th October, 1978 in respect of an industrial dispute between the employers in relation to the management of State Bank of India, Calcutta, hereinafter referred to as the "Bank" and their workman Sri Ram Laik Singh, hereinafter referred to as the "workman". The subject matter of dispute has been mentioned in the Schedule to the reference as follows:—

"Whether the action of the management of the State Bank of India, Calcutta Local Head Office, Jeevan Deep Buildings, 1, Middleton Row, Calcutta-700016 in discharging Shri Ram Laik Singh, Messenger from service with effect from 19-7-76 is justified? If not, to what relief is the workman entitled?"

2. The parties filed their respective written statements. Both the Bank and the workman filed petitions before this Tribunal to decide certain preliminary points. The application of the workman is dated 24th March, 1979 and the Bank's application is dated 28th April, 1979. The workman wanted to say that the order of discharge passed by the Bank was an order of retrenchment, that the order of discharge was not accepted by the workman as alleged by the employer in its

written statement, that the letter of dismissal was not issued by proper authority and that the person who heard the appeal against the decision of the Enquiry Officer in the domestic enquiry was not duly authorised.

3. The Bank by its petition as mentioned, wanted a decision whether the domestic enquiry held by the Bank in respect of the charges issued against the workman was valid and it was prayed that the Bank might be given an opportunity to lead evidence on the merits of the charges levelled against the workman, in case the domestic enquiry and the orders passed thereon were found invalid. This Tribunal heard the parties on the preliminary points raised by both the sides and passed order on 27th December, 1979 on the points raised by the parties. In the said order it was found by this Tribunal that the domestic enquiry was valid and the findings of the Enquiry Officer holding the workman guilty of the charges were justified on the evidence recorded at the domestic enquiry. The points raised by the workman for preliminary decision were found against him save and except that the order of dismissal was not accepted by the workman. After that decision, ultimately today was fixed for further hearing of the reference.

4. Mr. Anil Das Chowdhury, learned Advocate appears on behalf of the workman who himself is present. Mr. P. K. Mukherjee, learned Advocate appears on behalf of the Bank along with Mr. A. Mitra, Law Officer of the Bank. It is submitted by both the parties that when the domestic enquiry was legal, that the findings of the Enquiry Officer were based on evidence on record and that the workman has been found guilty of the charges by proper authority on the basis of the results of the domestic enquiry, the only point that remains to be considered today is the question of punishment under Section 11A of the Industrial Disputes Act, Mr. Das Chowdhury has submitted before me that as the charges proved against the delinquent were not very grave in nature, the Tribunal in the facts and circumstances of this case should set aside the order of discharge passed against the workman by inflicting lesser punishment under Section 11A of the Industrial Disputes Act. His prayer is that when the workman has given service to the Bank for about 20 years he should be reinstated without any back wages to him and the gap period may be treated as a period of suspension without any allowance and pay. Mr. Mukherjee, on the other hand, has submitted that the facts in this case have proved that the workman was not only a disobedient employee of the Bank but also he openly insulted the superior officers and destroyed the peace and tranquility of the administration and polluted the atmosphere of the Bank. It is also submitted that in case a workman like this is allowed to remain in service of the Bank, he will pollute the atmosphere and administration of the Bank and the infectious nature of insubordination will spread amongst the employees. Mr. Mukherjee has further submitted that the Bank authority is not willing to keep a person like the workman in service any more.

5. I have gone through the entire records of the domestic enquiry and I have given my best consideration to the facts and circumstances of this case. The workman's conduct and actions were not only defiantly insulting to the superior officers but his insubordination and the way he acted were certainly prejudicial to the interest and administration of the Bank. If a man like this is allowed to remain in service, there would be a risk and injustice would be done to the management. The workman like this should not be forcibly thrust into the Bank again. I do not find any extenuating or mitigating circumstance to alter the order of discharge passed by the Bank against the workman. In fact, the punishing authority showed a good gesture by passing an order of discharge instead of dismissal on consideration that if an order of discharge is passed the workman might get employment elsewhere. In the circumstances, I must hold that there is no valid reason to interfere with the punishment passed by the Bank against the workman. The workman can get no relief in this case as the Bank was justified in discharging him from service with effect from 19-7-76.

This is my award. The Order of this Tribunal dated 27th December, 1979 on preliminary points shall be made a part of this award as Annexure "A".

Dated, Calcutta,

The 5th February, 1981.

R. BHATTACHARYA, Presiding Officer.

[No. L-12012(140)/77-D.II(A)]

ANNEXURE "A"

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL,
CALCUTTA

Reference No. 86 of 1978

PARTIES:

Employers in relation to the management of State Bank
of India, Calcutta,

AND

Their Workman, Sri Ram Laik Singh.

PRESENT:

Sri Justice S. K. Mukherjee—Presiding Officer.

APPEARANCES:

On behalf of Employers—Sri Amalesh Mitra, Law Officer.

On behalf of Workman—Sri Anil Das Chowdhury, Advocate.

ORDER

Dated, 27th December, 1979

Government of India, Ministry of Labour, by their Order No. L-12012/140/77-D.ILA dated 21st/24th October, 1978 referred the following dispute for adjudication to this Tribunal:

"Whether the action of the management of the State Bank of India, Calcutta Local Head Office, Jeevan Deep Building, 1, Middleton Row, Calcutta-700016 in discharging Shri Ram Laik Singh, Messenger from service with effect from 19-7-76 is justified? If not, to what relief is the workman entitled?"

2. The concerned workman Sri Ram Laik Singh, a Messenger in the employment of the Bank at its Netaji Subhas Road Branch was permitted, among other members of the subordinate staff on duty to live temporarily in the Bank's "Garad" and was not provided with residential accommodation. The case as pleaded by the management is that it was decided by the management to shift those persons who were putting up at the "Garad" at the time of renovation of the bank premises, from the Bank's Garad to the second floor in Block D. Thereupon the bank duly notified to the workmen concerned for making their respective arrangements for the said shift by an office order dated June 26, 1972, Ext. M-4. Pursuant to the aforesaid order the members of the subordinate staff except the concerned workman and three others shifted by removing their belongings to block D. The concerned workman chose to remain in the Garad in disobedience to the said order and in spite of repeated requests made by his superiors in that behalf.

3. Thereafter on or about March 2, 1974 when the work for shifting of the Security department under the said arrangements were started under the supervision of the Bank officials to the place where the said Garad was previously situated, the concerned workman unlawfully obstructed the work of the said bank. While the then Manager intervened and requested him to shift, he was humiliated with abusive language by the said workman who even threatened the coolies who had been hired for the purpose of the said work with dire consequences. As a result, work had to be suspended for the time being.

4. On or about 14th March, 1974 the concerned workman was requested in writing to remove his belongings to the said block D. In disobedience to the said order he resisted the bank's shifting programme and unlawfully removed certain furniture of the bank and placed his own cots in the Garad.

5. In the premises aforesaid, for this act of gross misconduct he was placed under suspension on or about March 19, 1974 and was duly served with a charge sheet dated 28th August, 1974.

6. Thereupon an enquiry Officer was duly appointed and he conducted an enquiry. He found the said workman guilty of the charges. The enquiry proceedings and the Report and Findings of the Enquiry Officer have been annexed to the written statement filed on behalf of the management before this Tribunal and marked with the letter A.

7. On the basis of the aforesaid findings the concerned workman was dismissed from service with the Bank with effect from 1st July, 1976 by the appropriate authority by a notice dated 19th July, 1976. Thereafter he preferred an appeal before the Appellate Authority appointed by the Bank. The said appeal was duly heard. In the concluding portion of his findings the Appellate Officer stated as follows: "Taking into consideration all factors, I find that the employee, by his conduct has made himself unacceptable to the bank's service discipline, in the public interest. However, considering the nature of the offence committed, though it is gross misconduct and serious from the administrative point of view, I still hold the view that he can be given an opportunity to seek service elsewhere and promote his future livelihood. In this context, I feel inclined to reduce the punishment to one of discharge without notice, in terms of paragraph 521(10)(c) of the Sastry Award as retained in the Desal Tribunal, instead of dismissal as proposed by the Disciplinary Authority." The punishment was therefore reduced to one of a discharge without notice in terms of paragraph 521(10)(c) of the Sastry Award. Accordingly, by an order dated 26th November, 1976 the concerned workman was discharged from the bank's service.

8. After the said order was intimated to the concerned workman he was paid his statutory dues and he accepted the same.

9. It is pleaded in paragraph 15 of the bank's written statement that the bank was entitled to dismiss the concerned workman under the provisions of the Sastry Award and the departmental proceedings were conducted strictly in accordance with the provisions of the said award.

10. By its pleadings the bank took a preliminary objection, namely, that the dispute has neither been sponsored nor has it been espoused by a substantial number of workmen and the reference is therefore invalid and incompetent and the Tribunal has no jurisdiction to entertain the same.

11. Having regard to the provisions of Section 2A of the Industrial Disputes Act, 1947 the objection does not appear to be valid. It is true that the order of reference does not refer to Section 2A of the Industrial Disputes Act. It merely says that the dispute has been referred to the Tribunal under clause (d) of Sub-section (1) of Section 10 of the Industrial Disputes Act, 1947. Section 2A does not confer any power to refer an industrial dispute to a tribunal for adjudication. The section merely converts a dispute which is not an industrial dispute into an industrial dispute under certain circumstances. The omission of any mention of Section 2A in the order of reference, in my opinion, does not vitiate a reference if Section 2A is applicable in the facts and circumstances, as it is the present case.

12. In the written statement filed by the workman, it is pleaded that the said discharge amounts to retrenchment. The discharge is invalid and illegal as no retrenchment compensation, as envisaged under Section 25F of the Industrial Disputes Act, was paid or offered by the State Bank. In paragraph 8 of the written statement it is stated by the concerned workman that on 22nd February, 1974 the Branch Manager of the Bank insulted him in a most undignified manner and he had requested the General Secretary of the State Bank Employees' Association to take up his grievance for proper redress by a letter. Thereupon by a letter dated 22-2-74 the Association made a representation to the Branch Manager and requested him to look into the matter. No action was taken by the Branch Manager on the said letter.

13. On 14th March, 1974 the Branch Manager issued a memo to the concerned workman asking him to vacate the place of residence and remove his belongings. The said memo was in English and was served on the concerned workman on 10th March, 1974 along with the order of suspension dated 18th March, 1974. The said order of suspension was also in English. The concerned workman, not knowing the English language could not understand the contents of those two memos of the Bank. He made attempts to attend the Bank but met with refusal. Under his service conditions, he is entitled to have such communications of order in a language understood by him. A chargesheet dated 28-8-74 was served on the concerned workman. The charges were denied by him. In his explanation dated 9-9-1974,

14. It is pleaded that thereafter a perfunctory enquiry was held by an Enquiry Officer. The said Officer was biased. Relevant documents were not supplied to the concerned workman though those were relied upon at the enquiry. The Enquiry Officer helped the prosecution with leading questions and the enquiry was otherwise defective and improper.

15. The management, without applying its mind, intimated by a letter dated 28th May, 1976 that it was proposed to take disciplinary action against the concerned workman by way of dismissal and asked him to show cause why the proposed punishment should not be imposed. The concerned workman showed cause by his letter dated 21st June, 1976. Thereafter the management intimated the concerned workman that they had decided to dismiss him.

16. The concerned workman thereafter by letters dated 23rd July, 1976 and 28th July, 1976 requested the Bank to withdraw the dismissal order and to supply him with a copy of the said order. The concerned workman preferred an appeal to the management. The management granted him a personal hearing and thereafter decided finally to discharge him by a letter dated 26th November, 1976 in terms of paragraph 521(10)(c) of the Sastry award.

17. By their rejoinder, the management denied that the discharge of the concerned workman amounted to retrenchment or was invalid. It was deind that the Branch Manager had any occasion to insult the said workman in the manner as alleged or at all. The concerned workman was duly suspended under the provisions of the Sastry award as retained by the Desai Tribunal. The other allegations made by the concerned workman in its pleadings with regard to the enquiry proceedings were also denied.

18. The concerned workman by an application dated 24th March 1979 invited a decision on certain preliminary points which arise on the pleadings. Those, it was submitted, are as follows :

(i) The concerned workman having been retrenched by letter dated 26th November, 1976 without any retrenchment compensation or notice pay as provided in law, the termination of service is void ab initio, invalid and inoperative in law.

(ii) that the dismissal order dated 19th July, 1976 was issued at the instance of the General Manager, Operation though he was not the dismissing authority.

(iii) that the appeal was not heard by the proper person inasmuch as Sri T. Sanmugam who heard the appeal had no authority to do so. The said appeal according to the bank's circular should have been heard by S. Puri who was the Appellate Authority at the relevant time.

19. The management in its turn by an application dated 28th April, 1979 submitted that a preliminary issue be raised and determined as to the validity of the domestic enquiry and the orders passed theron.

20. I propose to deal with the issues which the parties have invited the Tribunal to determine by the applications dated 24th March, 1979 and 28th April, 1979 respectively. The contention that there was neither an order of dismissal, nor was it accepted by the concerned workman as pleaded is hardly an issue, having regard to the other issues. Be that as it may, it is clear that the original order was one of dismissal and the concerned workman, far from accepting it, challenged the order.

21. The chargesheet served on the concerned workman reads as follows :

"Sri Ram Laik Singh,
Messenger,
C/o. State Bank of India,
Netaji Subhas Road, Calcutta,

28th August, 1974.

Charge-Sheet

You are hereby required to show cause why disciplinary action should not be taken against you on any or all of the following charges :

- (a) That, on the 22nd February, 1974 when you entered into the Branch Manager's Chamber with a medical bill for Rs. 150 for payment, you were not putting on the Bank's uniform supplied to you. At this, on an enquiry made by the Branch Manager, you sharply retorted that as the uniform was not to your satisfaction, you would not use the same. Furthermore, you objected to the Branch Manager's addressing you in second person and pointed out to him that he had no right to address you in any form other than in first person, as even the President of the Union of India cannot address you in any other form than first person. Even after going out of his chamber and standing by the side of the table of the Manager, Personal Banking Division, you uttered highly objectionable words to the Branch Manager culminating into indecent behaviour in the premises of the Bank.
- (b) That on the 26th June, 1972, an Office order was issued for information of the members of the Subordinate staff at the Branch who were occupying a portion of the ground floor of the Branch premises for their stay to remove their belongings to the new space meant therefor in "D" Block (2nd floor), as this space (former space) were required for the use of the office. While most of the subordinate staff shifted to the new space, you along with three others, did not do so. Despite repeated persuasions, you not only refused to vacate the space but also continued to defy the lawful and reasonable orders of the Branch Manager wilfully.
- (c) That on the 2nd March, 1974 when arrangements were in hand for shifting the Securities Section to the cold space under the direct supervision of Sarvashri B. K. Majumdar and R. N. Kundu, Officers grade I, you obstructed them in performing their duties. Even when the Branch Manager went to the spot and requested you not to obstruct the rearrangement work and allow the coolies to place furniture meant for the Securities Section, you not only used abusive language to the Branch Manager, but also threatened the coolies with dire consequences. As a result of which, the work was stalled and the Bank's work suffered.
- (d) That, on the 14th March, 1974, you were once again instructed by the Branch Manager to remove your belongings to the new space vide his Memorandum of even date (copy enclosed). You not only defied his lawful and reasonable order, but also removed the three tables already placed inside the expanded metal cage and placed two cots in their stead.
- (e) Your reply to the above charges should reach the undersigned on or before the 11th September, 1974 and the Bank will, thereafter, take such action against you as is considered necessary.

Sd/- S. K. Mazumdar,
Branch Manager."

It was submitted by the learned counsel appearing on behalf of the concerned workman that the charges were vague. As regards the first charge there are no particulars of the "highly objectionable words" the delinquent is alleged to have uttered nor have any particulars been given of "indecent behaviour" charged against him. Then again with regard to the third charge, no particulars of the abusive language the concerned workman is alleged to have used in addressing the Branch Manager have been given nor have any particulars been given of the coolies he is alleged to have threatened. Particulars of threat have also not been given. Learned counsel submitted that the charge is vague and ought to be struck down. He relied on a decision of the Supreme Court in Central Bank of India Ltd. v Karunamoy Banerjee 1967 II LLJ, p. 739 where it has been said that the rules of natural justice require that the workman proceeded against should be informed clearly of the charges levelled against him. He also relied on clause (a) of sub-clause (10) of paragraph 521 of the Sastry award where it has been laid down that an employee against whom disciplinary action is proposed or likely to be taken shall be given a charge sheet clearly setting forth the circumstances appearing against him and a date shall be fixed for enquiry.

sufficient time being given to him to enable him to prepare and give his explanation as also to produce any evidence that he may wish to tender in his defence.

22. The proposition that a charge in order to be valid must be clear is not in dispute. The question is whether in the facts and circumstances of the case, the charges may be said to be vague. In the case of Collector of Customs vs Biswanath Mukherjee, 1972 Lab. I.C. 1292, a Division Bench of the High Court of Calcutta pointed out that the proper way of interpreting a chargesheet in disciplinary proceedings is not to be technically and legalistically strict as in the case of a chargesheet in criminal proceedings. It should be fairly and reasonably interpreted in a common sense way to see that there is a plain statement of the thing complained of as wrong so that the party complained against may be put on his defence to meet the allegation. On a fair reading of the chargesheet it is abundantly clear that the concerned workman fully understood what were the charges brought against him. The abusive words or the indecent behaviour with which he was charged were not particularised. The names of coolies he is alleged to have threatened were also not given. Nevertheless, reading the chargesheet as a whole it must be held that the charges were fully intelligible to the concerned workman. In fact, those particulars, the absence of which he has complained of, are not material in any sense in the context of the charges. In fact, he never complained that the charges were vague nor did he ask for those particulars prior to or during the enquiry. His answer to the chargesheet was as follows :

"Translated copy

The Branch Manager,
State Bank of India,
Netaji Subhas Road Branch, Calcutta-I.

Sir,

With reference to your Memorandum dated 28-8-74, I beg to state as follows :

1. I deny all the charges brought against me in para 1(a) of the Memo. I only accept on point that on that particular date I had entered the room of the Branch Manager with the permission to get my medical bill passed. Other than this I deny all other charges.

2. I deny all the charges mentioned in para 1(b). No office order was issued to me by the Branch Manager. So the charges regarding my refusal to vacate the space and remove my belongings from there do not arise at all, because I have not seen any office order in this regard.

3. I also refuse all the charges levelled against me in para 1(c) of the Memo.

4. I also refuse all the charges mentioned in para 1(d) of the Memo. Your Memo dated 14-3-74 and 18-3-74 by which I have been suspended were delivered to me at a time.

So I pray to you to please withdraw the false allegations brought against me.

Dated, 9th September, 1974.

Yours faithfully,

Sd/- Ram Laikh Singh."

In his answer he did not claim that the charges were vague. The defence being one of total denial, it mattered little that those particulars were not to be found in the chargesheet. Neither the concerned workman nor his representative who participated in the enquiry complained to the Enquiry Officer that the charges were vague or that the concerned workman was in any way handicapped on that score. A Division Bench of the Patna High Court held in the case of Indian Explosives Ltd. v Presiding Officer, Labour Court, Patna, 1975 Lab. I.C. 641 that where a domestic enquiry was held against the workman for assaulting another workman and the material allegations were sufficiently disclosed in the chargesheet and the report lodged to the Police was read over to him and exhibited in the case and he examined a large number of witnesses in his defence without any grievance that copy of complaint received by the employer was not supplied to him, the non-production of that copy did not prejudice the workman or vitiate the enquiry for violation of the principles of natural justice. In the present case the material allegations were sufficiently disclosed in

the chargesheet and the concerned workman cannot be heard to complain at this stage that the allegations were vague. In my opinion, the charges brought against the workman are in conformity with the principles laid down in the relevant provisions of the Sastry award to which I have already made reference. The objection of the learned counsel must therefore be over-ruled.

23. It was then submitted that the chargesheet was not issued by the officer who was empowered to take disciplinary action against the concerned workman as contemplated in sub-clause (12) of clause 521 of the Sastry award. The said clause provides :

"(12). It also seems to us necessary that a bank should decide which officer shall be empowered to take disciplinary action in the case of each office or establishment and that it should also make necessary provisions for appeals against orders passed in disciplinary matters to an officer or a body not lower in status than the Manager, who shall if the employee concerned so desires in a case of dismissal bear him or his representative before disposing of the appeal....."

In the present case, the chargesheet was issued by Mr. S. K. Mazumdar, the Branch Manager. It is conceded that Mr. Mazumdar was not the Officer on whom power was conferred by the Bank to take disciplinary action. The question therefore arises whether issue of a chargesheet is a part of disciplinary action. Sri Das Choudhury, learned counsel appearing on behalf of the concerned workman relied on a decision of the Madhya Pradesh High Court in the case of Sardul Singh vs. State Madhya Pradesh and Ors., 1968 II LLJ 274. There the Court observed:

"Now, the exercise of disciplinary powers, in the field of disciplinary action, is not confined merely to the passing by the appointing authority of an ultimate order imposing disciplinary punishment against the employee. It extends even to the very initiation of disciplinary action against a civil servant or employee by framing charges against him and holding, or directing the holding of an enquiry into these charges. The framing of charges, the holding of an enquiry into them, the suspension of the civil servant during the enquiry, the notice to show cause, are all steps in the exercise of the disciplinary powers. These steps must be taken by the disciplinary authority and not by a delegate of that authority.

Learned counsel also relied on a decision of the Assam High Court in Manihar Singh v Superintendent of Police, United Khasi and Jaintia Hills, 1969 II LLJ, p. 493, where it was held that in the absence of a statutory provision permitting expressly or impliedly delegation of disciplinary powers, an authority other than the disciplinary authority has clearly no power to frame on its own initiative, charges against a civil servant and hold enquiry into them. It is to be noted that these judgments relate to disciplinary action taken against civil servants under Article 311 of the Constitution of India and Government Servants' Conduct Rules. The Sastry Award is very largely a self contained Code and whether it is obligatory under the Sastry award for the officers competent to take disciplinary action to issue chargesheets as well, has to be answered on the basis of Award itself.

24. Clause 520 of the Sastry award states : "Under the subject of disciplinary action we deal with dismissal, suspension, warning or censure, fine, the making of adverse remarks and the stoppage of an increment." In this clause disciplinary proceedings including issue of chargesheets are not stated to be a part of disciplinary action. Clause 521 states that a person against whom disciplinary action is proposed or likely to be taken, should, in the first instance, be informed of the particulars of the charge against him; he should have a proper opportunity to give his explanation as to such particulars. In other words, a chargesheet precedes disciplinary action and is therefore no part of disciplinary action. The position is made even clearer in sub-clause (a) of clause (10) of paragraph 521. There it is provided that an employee against whom disciplinary action is proposed or likely to be taken shall be given a chargesheet. In the contemplation of

this provision a chargesheet is separate from disciplinary action. Having regard to the clear language and the spirit of the relevant provision of paragraphs 320 and 321 of the Sastry award I am of opinion that issue of a chargesheet is a part of disciplinary proceedings and not of disciplinary action in the context of the Sastry award. It is therefore not necessary that the officer empowered to take disciplinary action should alone issue a chargesheet. In that view of the matter, I hold that the chargesheet which was issued by the Branch Manager was validly issued.

25. The Enquiry was held by Sri B. P. Das Gupta, Staff Officer. The concerned workman was represented by Shri Ranjit Das, General Secretary, State, Bank of India Employees Association (Bengal Circle). Shri Ram Laik Singh was present throughout the enquiry. On behalf of the bank Sri J. M. Vakharia, the then Branch Manager, Sri B. K. Mazumdar, Sri P. L. Ganguly, Sri R. N. Kundu and Sri A. B. Das Gupta gave evidence. After the evidence on behalf of the management was closed, the Enquiry Officer, asked Mr. Ranjit Das if he would examine the concerned workman. Sri Das said that he did not propose to examine him. On being asked by the Enquiry Officer, if he would produce any witness on behalf of the concerned workman Sri Das said that he did not propose to produce any witness. It is clear from the minutes of the enquiry proceedings that the management's witnesses were cross-examined at considerable length by Sri Das. In these circumstances, it cannot be said that there was any failure of natural justice in holding the enquiry.

26. Charge No. 1 relates to the incident inside the chamber of Sri Vakharia and also the incident outside the chamber. Sri Vakharia in answer to questions 2, 3 and 4 gave evidence in detail as to what words the concerned workman had uttered and how he conducted himself. He also said that Sri Panchan and how he conducted himself. He also said that Sri Panchan Ganguly and Sri Bilash Kr. Mazumdar were present at the scene of occurrence. Both Sri Mazumdar and Sri Ganguly substantially corroborated the evidence of Sri Vakharia on this point. As regards the words uttered by Sri Ram Laik Singh outside the chamber, Vakharia said that he went on still shouting that no one has a right to address him as "Tum". Sri P. L. Ganguly deposed in detail as to how Ram Laik Singh conducted himself. Sri Mazumdar stated that Sri Singh said that the Branch Manager could not address him as "Tum" and the words must be withdrawn because as per the Constitution of India every-body enjoyed the same respect and even the President of India could not address him as "Tum". Sri Singh was very much excited when he was addressed as "Tum" and the entire conversation was in a demanding and commanding tone. Sri Das Gupta said that he had no personal knowledge of any incident happening inside the Branch Manager's room but he knew what happened outside. At about 11 a.m. on 22-2-74 while he was working at his desk which is situated about 20'25' away from the Branch Manager's room he heard a loud voice and he looked to find Ram Laik Singh was just in front of his table and shouting in a high pitch and was very excited. He was speaking in Hindi saying the President of India had no right to call him "Tum". At his home there were sixteen such agents. He was repeating these words before a crowd of curious onlookers. It may be pointed out that there was no cross-examination of Das Gupta on this particular piece of evidence.

27. Learned counsel appearing on behalf of the concerned workman pointed out that particulars of objectionable words were not in the charge sheet and charge no. 1 was an afterthought. It was not mentioned in the Bank's letter of 14th March, 1974 or in the letter of 18th March, 1974. Moreover, in answer to question 22 Sri P. Ganguly had said that there was no other officer present. So evidence of Sri Mazumdar and Sri Das Gupta should be rejected. I have already dealt with the allegation of vagueness. It is true that Ganguly had said that there was no other officer present in the chamber. But that, in my opinion, is a minor discrepancy. Mazumdar had said that he was present in the Branch Manager's chamber. There is no reason why Sri Mazumdar should be disbelieved on this point.

28. As regards charge no. 2, Sri Vakharia in answer to questions put in cross-examination made it clear that several verbal requests had been made to messengers who had not shifted from the Garad and general instructions had been

given during the time of his predecessors to all messengers to shift to the new Garad in response to which all messengers excepting four did actually shift. Sri Mazumdar said that there was an office order to that effect, a copy of which was affixed on the Branch Notice Board. That order was issued during the time of Sri S. J. Banerjee. The reference is obviously to the order dated 26th June, 1972 which has been made Ext. M-4. An objection was raised that this office order was not placed at the enquiry. No one said that it was brought to the notice of Sri Ram Laik Singh. Having regard to the fact that the order was in existence and it had been placed on the Notice Board, it was for Ram Laik Singh to depose that he had no knowledge of the notice. He chose not to give evidence or make any statement before the Enquiry Officer. Be that as it may, there is ample oral evidence that the sense of the order was made clear to those who were occupying the Garad.

29. As regards charge no. 3, Sri Vakharia deposed that he told Ram Laik Singh and other three messengers who were there to remove their things. Whereas others did not object Sri Ram Laik Singh refused to remove any of his belongings from there. He tried to persuade him several times that removal of his things was necessary in order to implement the shifting of the security section to the new place but in spite of his persuasion Sri Ram Laik Singh defiantly refused to remove any of his belongings from there. Sri B.K. Mazumdar and Sri Kundu also told him not to cause obstruction in shifting of security section but Sri Ram Laik Singh persisted in his objection. The names of the other persons were Sri Barneswar Singh, Shri Deomoni Pandey and Shri Ram Tewari. These persons could have been very well called by Sri Ram Laik Singh to throw light on the situation particularly having regard to the fact that they were placed in similar circumstances. I may set out questions no. 10 put to Sri Vakharia and his answer thereto :

"Q. What was the reaction of Shri Ram Laik Singh ?

A. When we asked the coolies to remove a tin box of Shri Ram Lalk Singh which was lying there to another space nearby, Sri Ram Laik Singh flare up at the coolies and said "Do not touch, you will be murdered". The coolies got scared. Shri Ram Laik Singh kept on shouting and said that he was a Rajput and did not care even if there was blood-shed. No one has got authority to touch his belongings. The Bank can do what it likes."

In answer to another question Sri Vakharia said that thereafter while he was consulting the Head Office he found that the chairs and tables which had been placed inside the expanded metal cage at the new place were removed from inside the cage and in their place two charpayas had been put. The management therefore issued memo to Shri Ram Liak Singh as well as to the other three messengers pointing out to them that these actions of theirs were most objectionable. Shri Vakharia further deposed that in spite of issuing memo to Ram Laik Singh he did not remove his articles. There is substantial corroboration of this evidence by Shri B. Mazumdar and Sri Kundu.

30. Objection was raised that no particulars of obstruction had been given in the chargesheet and that the charge of obstruction relates to not allowing to place furniture, but the evidence relied on by the Bank is mainly of nonremoval of belonging. Moreover no particulars of abusive language and threats were to be found in the chargesheet. No coolies was examined. As I have said before, no particulars were asked for by the concerned workman nor was any objection raised at the enquiry that the charges were vague. The evidence given in this case goes into considerable detail and the charges have been substantially proved. The evidence has to be read in a reasonable manner.

31. As regards charge no. 4, there is evidence that the memo dated 14th March, 1974 and the order of suspension dated 18th March, 1974 were served on the 19th March, 1974. It was argued on behalf of the concerned workman that as Sri Singh was asked not to attend the bank by the letter dated 18th March, 1974, he had no chance to remove the belongings. From 2nd March, 1974, unto 18th March, 1974 he had plenty of opportunity to remove his articles.

32. On a consideration of the evidence given before the Enquiry Officer in its entirety, it appears that the findings

of the Enquiry Officer are justified on the evidence on record. No evidence was adduced by or on behalf of the concerned workman to contradict the evidence of the witnesses who deposed on behalf of the bank.

33. It was contended by the learned advocate appearing on behalf of the workmen that the order of discharge without notice in terms of paragraph 521(10)(c) of the Sastry award as retained in the Desai Tribunal does not amount to a punishment or penalty and therefore the termination of service of the concerned workman is 'retrenchment' within the meaning of Section 2(oo) of the Industrial Disputes Act, 1947. The management has not complied with the provisions of Section 25F of the Act. No retrenchment compensation has been paid to him nor has any notice been served on him as contemplated in the said provision. In the findings of Sri T. Sanmugam, Appellate Authority, which has been made Ext. M-2, the concluding paragraph reads as follows :

"Taking into consideration all factors, I find that the employee, by his conduct, has made himself unacceptable to the Bank's service discipline in the public interest. However, considering the nature of the offence committed, though is 'gross misconduct' and serious from the administrative point of view, I still hold the view that he can be given an opportunity to seek service elsewhere and promote his future livelihood. In this context, I feel inclined to reduce the punishment to one of discharge without notice, in terms of paragraph 521(10)(c) of the Sastry Award, as retained in the Desai Tribunal, instead of dismissal, as proposed by the Disciplinary Authority...."

34. Mr. Sanmugam therefore made it quite clear that he intended to reduce the punishment not that by the order he was not imposing any punishment. He also stated in his finding that there was no necessity for him to change the conclusion arrived at by the Disciplinary Authority that the employees was guilty of the relevant charges and not merely of three charges, as he appears to have said earlier, may be, through inadvertence. Paragraph 521(10)(c) of the Sastry Award provides as follows :

"In awarding punishment by way of disciplinary action the authority concerned shall take into account the gravity of the misconduct, the previous record, if any, of the employee and any other aggravating or extenuating circumstances that may exist. Where sufficiently extenuating circumstances exist, the misconduct may be condoned and in case such misconduct is of the 'gross' type he may be merely discharged, with or without notice or on payment of a month's pay and allowance, in lieu of notice. Such discharge may also be given where the evidence is found to be insufficient to sustain the charge and where the bank does not, for some reason or other, think it expedient to retain the employee in question any longer in service. Discharge in such cases shall not be deemed to amount to disciplinary action."

The order of the Appellate Authority appears to have been made under the provision that where sufficiently extenuating circumstances exist the misconduct may be condoned and in case such misconduct is of the gross type he may be merely discharged with or without notice. Learned advocate for the concerned workman contended that the last sentence of the clause, namely, discharge in such cases shall not be deemed to amount to disciplinary action, governs this case. That sentence does not relate to or govern the second sentence of clause (c). It governs the third sentence which says that such discharge, that is to say, discharge with or without notice or on payment of a month's pay and allowance in lieu of notice may also be given where the evidence is found to be insufficient to sustain the charge and where the bank does not, for some reason or other, think it expedient to retain the employee in question any longer in service. Sri Sanmugam has not found the evidence to be insufficient to sustain the charge. On the contrary, he has held that the relevant charges have been proved. In that view of the matter the third sentence of clause (c) has no application to this case and therefore the fourth sentence or the ultimate sentence of clause (c) has no application at all. The Appellate Authority has

merely reduced the punishment imposed by the original authority from dismissal without notice under 521(3)(a) to condonation of misconduct and mere discharge under 521(5)(c). The discharge without notice in this case is a variety of punishment, a lesser punishment than dismissal. It is true that in the last sentence of clause (c) of 521(10) it is stated that discharge in such case shall not be deemed to amount to disciplinary action. What are such cases will be found in the preceding sentence, namely, where discharge is given in the context of a situation where the evidence is found to be insufficient to sustain the charge and where the bank does not, for some reason or other, think it not expedient to retain the employee in question any longer in service. On a consideration of paragraph 521(10)(c) of Sastry Award and the findings and order of the Appellate Authority, I hold that the order of discharge without notice in the present case is an order of punishment given in disciplinary proceedings. In that view of the matter, the termination of service of the concerned workman is a punishment inflicted by way of disciplinary action and is not an act of retrenchment within the meaning of Section 2(oo) of the Industrial Disputes Act. Section 25F of the Industrial Disputes Act is therefore not attracted and the order of discharge cannot be held to be invalid by reason of non-compliance with the provisions of that section.

35. Learned advocate appearing on behalf of the concerned workman relied on the leading case of State Bank of India v. N. Sundaramoney, 1976 I LLJ, p. 478, Delhi Cloth and General Mills v. Sambhu Nath Mukherjee and Others, 1978 I LLJ, p. 1, and a host of other decisions for the proposition that any act of termination of service other than in the case of the exception made in Section 2(oo) of the Industrial Disputes Act is an act of retrenchment and Section 25F necessarily applies. Learned advocate appearing on behalf of the management contended that termination of service on the grounds totally un-connected with any element of surplus does not constitute retrenchment so as to attract the applicability of Section 25F. He relied strongly on a Full Bench decision of the Kerala High Court reported in 1970 I LLJ, P. 211, L. Robert D'Souza and Executive Engineer, Southern Railway and Another and the interpretation of Supreme Court decisions by the Full Bench. He pointed out that the view taken by the Bench was that discharge on the ground of surplus underlies, The Sundarmoney case and hence naturally no question was even raised before the Supreme Court as to whether a termination without there being an element of surplusage would constitute retrenchment. It must have been on account of this that the decision in Hari Prasad's case, AIR 1957 SC 121, Anakapalli Cooperative's case, 1962 II LLJ 621, were not naturally referred to in that decision. In the light of all this it will be totally wrong to understand the observations in Sundarmoney's case as laying down any principle inconsistent with what has been laid down by larger Benches in Hariprasad and Anakapalli cases. That this is the position, has been made clear by the subsequent pronouncement of the Supreme Court in Hindustan Steel Limited v. Labour Court, Orissa, 1977 I LLJ 1. In the light of the clear and direct pronouncement of the Supreme Court in Hindustan Steel case, that there is no inconsistency between the dicta laid down in Hariprasad's case and Sundarmoney's case, there is no scope at all for any further doubt or speculation in the matter. The principle laid down in Hariprasad's case and the subsequent rulings that follow it remain unshaken. The Full Bench referred to and relied on the latest decision of the Supreme Court M/s. Aven Service (Production Agencies) Pvt. Ltd. 1979 (I) LLJ. 1. It is nobody's case that in the termination of service of the concerned workman any element of surplausage is present and therefore the learned advocate contended that the termination of service in the present case is not an act of retrenchment. As I have held that the discharge of the concerned workman is a punishment imposed in course of disciplinary proceedings, the controversy as to whether it is a case of retrenchment or not does not arise. If it is not a case of retrenchment, as it is not, Section 25F is not attracted and the order of termination is not invalid by reason of non-compliance with the provisions of that section.

36. It was contended that the original order by which the concerned workman was dismissed was made by a person not competent to take disciplinary action and pass the order imposing punishment. It will appear from the bank's circular dated March 13, 1975 published in terms of paragraph 521(12) of the Sastry Award, Ext. W-4, that Sri D. K. Raman, Re-

gional Manager, Region 1, Calcutta Local Head Office was the prescribed authority empowered to take disciplinary action and pass the original order imposing punishment in respect of employees of Netaji Subhas Road branch. Sri D. K. Raman who issued notice on 28th May, 1976 to the concerned workman to show cause why the proposed punishment should not be inflicted on him. By a circular dated 17th June, 1976, Ext. W-5, Sri S. N. Mukherjee, Regional Manager, Region 1, State Bank, Local Head Office was appointed the authority empowered to take disciplinary action and pass original orders imposing punishment in respect of Netaji Subhas Road branch. It was Mr. S. N. Mukherjee who passed the order of dismissal on 9th July, 1976. Sri Mukherjee appears to have been duly authorised to pass the original order of punishment. The objection is therefore devoid of substance.

37. It was then contended that Sri T. Sanmugam who heard the appeal of the concerned workman and passed the final order discharging the concerned workman without notice, was not competent to pass the order having regard to the circular dated 17th June, 1976, Ext. W-5. By that circular Sri A. S. Puri, officiating General Manager, Operations, Calcutta Local Head Office, for the time being, was appointed the Appellate Authority. By a later circular dated 8th March, 1977, Ext. W-6, Sri T. Sanmugam, Officiating General Manager, Operations, Calcutta Local Head Office, for the time being, was appointed Appellate Authority in place of Sri Puri. It was submitted that the appeal was heard by Sri T. Sanmugam and the appellate order was also passed by Sri Sanmugam at a time when Sri Puri was the Appellate Authority under the Circular dated 17th June, 1976. It was only by the circular dated 8th March, 1977, Ext. W-6 that T. Sanmugam was made the appellate authority. He had therefore no jurisdiction to hear the appeal and pass the appellate order. It appears from Ext. M-3 that the charge of the office of the General Manager Operations, as on the close of business on 6th September, 1976 was handed over to Sri T. Sanmugam. Sri T. Sanmugam was therefore the General Manager, Operations for the time being, when he heard the appeal and passed the appellate order. It is quite true that the name of Mr. T. Sanmugam was not published on the Bank's notice Board as the Officer empowered to hear the appeal although in fact he was the General Manager, Operations, for the time being. Sri Puri could not have heard the appeal at the time when it was heard because he had relinquished his office and made over charge to Sri T. Sanmugam. The only irregularity which appears to have crept in is non-publication of the name of Sri Sanmugam as the Appellate Officer though in fact he was holding the office, the incumbent of which has consistently been Appellate Officer. This irregularity, in my opinion, can not vitiate the appellate order. The provisions in paragraph 521(12) to publish the names of officers empowered to pass the original order and hear the appeal are in the nature of directives. The Sastry award does not contemplate that omission to publish the name of the Officers empowered to pass the original order or hear the appeal will make the orders invalid if they are otherwise competent to pass the original order or hear the appeal as the case may be. It may be stated in this connection that the concerned workman and his representative with full knowledge of the circular dated 17th June, 1976 did not object to Sri T. Sanmugam hearing the appeal and passing the order which he did. In my opinion such a minor irregularity does not render the order of punishment invalid having regard to the fact that Sri T. Sanmugam was competent to hear the appeal. After all, the Appellate Officer is not a persona designata. He is described not only by his name but by his office. Sri T. Sanmugam as the incumbent of the office was fully competent to hear the appeal. It overrule the objection that the appeal was passed by an officer not competent to pass it.

38. I therefore answer the preliminary points as follows :

(i) The concerned workman has not been retrenched by the letter dated 26th November, 1976 and therefore no question of payment of retrenchment compensation or notice pay arises. The termination of service is not void ab initio or invalid on account of non-payment of retrenchment compensation or notice pay.

(ii) The dismissal order dated 19th July, 1976 was passed by Sri S. N. Mukherjee, Regional Manager, Region 1, State Bank, Calcutta Local Head Office. He was the competent authority to pass the order of dismissal on the relevant date.

(iii) The Appeal was heard by the proper person as Sri T. Sanmugam who heard the appeal had the authority to do so.

The case will now be fixed for further hearing.

S. K. MUKHERJEE, Presiding Officer

27-12-79.

S.O. 859.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 2, Bombay, in the industrial dispute between the employers in relation to the management of Union Bank of India, Sanguem, Goa and their workman, which was received by the Central Government on the 17th February, 1981.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, BOMBAY

Reference No. CGIT-2/4 of 1979

PARTIES :

Employers in Relation to the Management of Union Bank of India, Sanguem, Goa.

AND

Their Workman

APPEARANCES :

For the Employers—Shri Phiroze Damania, Advocate.

For the Workman—Shri Jayant G. Gadkare, Advocate.

INDUSTRY : Banking

STATE : Goa, Daman & Diu.

Bombay, dated the 31st January, 1981

AWARD

The Government of India in the Ministry of Labour in exercise of the powers vested in it under section 10(1)(d) of the Industrial Disputes Act, 1947 (14 of 1947) has referred the following dispute to this Tribunal for adjudication as per their order No. L-1202/81/78-D.I.A, dated 20-3-1979.

"Whether the management of Union Bank of India is justified in dismissing Shri Inacia Manuel da Miranda from the services of the Bank with effect from 18-9-1976 ? If not, to what relief the employee is entitled ?"

The workman Mr. Inacia Manual da Miranda in his written statement of claim dated 22-4-80 stated that he joined service in the Union Bank of India as a Clerk/Cashier in June 1967. For about 8 years he served in the Margao Branch of the Bank and thereafter in July 1975 was posted to Sanguem Branch as a Special Assistant, to work under the Manager; Mr. Francis Heredia. He says that during the period Mr. Heredia worked as Accountant at Maigao, certain differences arose between him and Mr. Heredia. On this account Mr. Heredia concocted some adverse reports against him on the basis of which a charge memo dated 23-1-76 was issued to the workman. The management found the explanation submitted by him to the charge memo to be unsatisfactory and directed Mr. A. D. Shetty their Personnel Officer to conduct the enquiry. It is complained that the enquiry was not held in proper manner and that the Enquiry Officer acted with bias. It is further submitted that the findings arrived at by the Enquiry Officer are wrong and biased. He also questions the appropriateness of the punishment of dismissal imposed on him. The workman prays that he may be reinstated with full back wages.

The Bank in its written statement dated 5-5-80 states that as the workman has been dismissed from its service after a fair and proper enquiry this Court cannot reappraise the evidence or interfere with the punishment imposed on him. They submit that if this Tribunal is to hold that the enquiry proceedings are vitiated for any reasons, an opportunity may be given to them to lead evidence afresh before this Court in support of the charges framed against the workman. They allege that the workman is carrying on a lucrative business in poultry and piggery and grocery and for that reason he is not entitled to reinstatement or payment of back wages. They say that the punishment of dismissal was rightly imposed having regard to the gravity of the offence committed by him.

The Bank in its rejoinder to the workman's statement of claim reiterated the averments made in their written statement and denied the several allegations made by the workman.

The workman has not filed any rejoinder to the written statement filed on behalf of the Bank.

The issues that arise for consideration in this case on the above pleadings are :

1. Whether the domestic enquiry is vitiated on account of the bias of the Enquiry Officer or on account of the wrong procedure followed by him ?
2. Whether the findings of the Enquiry Officer are perverse and not based on proper evidence ?
3. Whether the punishment of dismissal is disproportionate to the charges proved against him ?
4. Whether the workman is entitled to reinstatement with full back wages ?
5. To what relief ?

Issue 1 :

Shri Gadkare for the workman does not say that the enquiry is vitiated on account of any violation of the principles of natural justice. It is also not his case that the Enquiry Officer is any way personally biased against the workman. According to him, the following instance prove the Enquiry Officer's bias against the workman. While the Enquiry Officer permitted the management to elicit certain further information from their witness Mr. Heredia by way of re-examination he did not allow the workman to cross examine the witness on those points. This is said to have caused grave prejudice to the workman. I do not agree. The workman who conducted his defence in person did not appear to have sought permission to cross examine the witness on the points elicited in the re-examination. The facts spoken to in re-examination are that on 1-12-75 the workman came drunk to the office at 4.05 P.M. after having left for lunch at 1.30 P.M. True this fact was not spoken to by the witness in his chief examination. The charge item 2d does not also allege that the workman had returned from lunch drunk. It merely refers to his having left for lunch at 1.30 P.M. and returned late at 4.05 P.M. The Enquiry Officer in his report at page 7 does not appear to have taken this information sought in the re-examination in considering the case against the workman. Therefore it cannot be said that any prejudice has been caused to the workman on this account. This information elicited in the re-examination shall stand excluded. In the re-examination of the same witness Mr. Heredia he stated that the workman did not complete the work on certain dates mentioned therein. This piece of evidence also was not taken into account by the Enquiry Officer in considering the guilt of the workman. No prejudice therefore can be said to have been caused to the workman on this score. This portion of the evidence may also be excluded. During the cross examination of Mr. Heredia the workman asked him to produce his personal diary wherein he had noted the several dates with time on which the workman attended the office late. The diary was not made available to the workman though at the close of the enquiry proceedings it appears to have been filed before the Enquiry Officer. How the workman has been prejudiced on this account is not made clear. The late comings of the workman are noted not only in the diary but also in the muster roll which was placed on the record. The suggestion made to Mr. Heredia is that in his personal diary he was noting the time of arrival of the workman and Mr. Alfano only and not that of the other employees. Mr. Heredia justified this action by saying that he apprehended that the timings noted in the muster against the same individual might be tampered with. In the light of this evidence it can not be said that any prejudice is caused to the workman by the personal diary of Mr. Heredia not being made available to the workman and its being placed before the Enquiry Officer after the close of the evidence. Again during the cross examination of Mr. Heredia, the workman asked him whether his signature appeared in the day book, on certain dates, with a view to show that it was the Manager that checked the day book on the dates his signature appeared theron and not the workman. The Manager's statement is that after checking the day book with reference to the general ledger he would sign the day book

and initial the ledger and that the presence of his signature in the day book on any date did not show that he checked it. I do not see how in the light of the Manager's evidence the question disallowed would have helped the workman in establishing his case that it was the Manager that generally checked the day book.

Then the workman asked the Manager Mr. Heredia whether he did not overlook his claims to be entrusted with the functions of a Special Assistant while he (Heredia) was working as an Accountant and the workman as a Clerk in Margao branch. The Enquiry Officer held that this question was not relevant to the issues involved in the enquiry. Mr. Gadkare for the workman submitted that by disallowing this question the Enquiry Officer deprived the workman of a valuable opportunity of proving the prejudice the Manager had against him. I do not think that the workman was in any way adversely affected by this question being disallowed.

Lastly, during the cross-examination of Narvekar the Peon the workman asked him whether the route to the post office from the Bank via the Sanguem Bar was the shortest. This question was disallowed as such was not his statement in the chief examination. To appreciate this point it may be noticed that on 28-11-75 the workman is alleged to have been entrusted with the duty of balancing the No. 2 S. B. ledger. Instead of doing this work he is said to have left the bank at 1.30 P.M. for lunch and never returned. The Manager who had to attend a conference at Panjim or Poona could not leave the station because of the workman's failure to complete the work entrusted to him. The Manager asked the peon the same day at about 5.00 P.M. to send a telegram to the concerned authorities expressing his inability to attend the conference. As the peon was passing by the side of the Sanguem Bar Alfano another Clerk of this Bank took the peon inside the bar where according to the peon he found the workman. It is the further case of the management that the workman snatched the filled in telegraph form from the peon and tore it to pieces. In order to improbable this version the peon was sought to be asked in his cross-examination whether it was necessary to pass by the side of the Sanguem Bar to go to the post office by the shortest route. This line of cross examination was disallowed because the peon never stated in his chief that he took the nearest route to go to the post office. May be the question could have been allowed in the cross examination but no prejudice can be said to have been caused to the workman by same being disallowed. The next infirmity in the enquiry proceedings pointed out is the management examined 4 witnesses by names M. Pereira, Salelkar, S. P. Narvelkar and Dr. Nadkarni to show that on one day the workman was found drunk in the company of Alfano and that they helped both the drunks to reach home. This evidence was adduced to show that by his conduct the workman was bringing down the reputation of the Bank. It is argued that this conduct of his even if true, was beyond the scope of the enquiry as the same is not the subject matter of any of the charges. There is some substance in this complaint and the Enquiry Officer at page 5 of his findings of the personal hearing granted to him after the second show cause notice observes that the evidence of the aforesaid witnesses was connected with the allegations made in the charge sheet. He added that the workman was found guilty "Independent of this evidence". The evidence of these four witnesses in my view should be excluded in considering the guilt of the workman.

For the aforesaid reasons issue 1 held against the workman.

Issue 2 :

The workman was transferred to Sanguem Branch from Margao in July 1975 as a Special Assistant. The charges framed against him are (1) failure to check supplementary day book with the day book and failure to help the Manager in checking the day book and tallying the same on 19-8-75, 5-9-75 and 13-11-75. He failed to balance the S. B. Ledgers for 25-7-75 and 25-8-75. (2) He failed to balance the SB(2) ledger on 28-11-75. Without completing the work he left for lunch at 1.30 P.M. and failed to return for duty thereafter. He was found by the Bank peon at about 5 P.M. sitting in Sanguem Bar in the company of one Alfonsio another Clerk of the Bank while at the bar he detained the peon Narvekar who was on his way to the telegraph office to despatch telegraph message entrusted to him by the Manager and snatched away the telegraphic message. He later tore the same into pieces. (3) On 30-12-75 the workman reported himself for duty at 10.25 A.M. (9.15 A.M. being the reporting time) and

left the Bank at 2 P.M. only to return to the Bank at 6.55 P.M. in a drunken condition. These are offences constituting gross misconduct. He is also charged with the minor misconduct of unpunctual or irregular attendance and (2) writing two letters one on 19-8-75 and the other on 21-8-75 to the Branch Manager in disrespectful and abusive terms.

Regarding the first charge of gross misconduct wilful insubordination or disobedience of lawful orders, the workman was entrusted with the duty of checking the supplementary day book with the day book and helping the Manager to check the day book and tally the same and he failed to do the work on 19-8-75, 5-9-75 and 13-11-75. (This is charge 2a of the charge memo). In his explanation to the charge memo his plea was that since the supplementary day book is posted by a Competent Clerk, the register must be taken to be correctly posted and that there is no necessity to verify the entries therein with those in the day book. He further stated that in Margao Branch where he worked for 8 years this practice did not prevail, though the number of vouchers there was ten times the number at Sanguem. Regarding helping the Manager to check the day book and tallying the same his stand is not clear. He seemed to say that the Manager was doing the work himself and when necessary he was taking the assistance of the day book writer for this purpose. Therefore the question of his assisting the Manager in this work never arose. There is the evidence of the Branch Manager Mr. Heredia in support of this charge. The cross examination of the Officer by the workman (who conducted his own defence) shows the defiant attitude taken by him towards his superior. Regarding failure to balance the S.B. ledgers on 25-7-75 the workman's evidence is that on that date he could not balance the same and that the Manager asked him not to bother. He also admits not having done work on 25-8-75. It follows that the workman has been rightly found guilty on this court.

On count 2b the case against the workman is that on 28-11-75 the last Friday in the month he was given the job of balancing No. 2 SB ledger. The workman without attending to the work left the Bank at 1.30 P.M. for lunch and never returned to his seat thereafter for the day. The defence of the workman as can be seen from his statement before the Enquiry Officer is that soon after he left for lunch he felt giddy and went home. No medical certificate is produced in support of this plea of sickness. On the other hand the evidence of the Bank Peon Narvekar shows that he saw the workman and one Alphonso inside the Sanguem Bar at about 5 P.M. The workman does not deny his presence inside the Bar that day, but only says he did not touch alcohol. The Enquiry Officer has chosen to accept the Peon's evidence on the point. I see no reason to differ from this view.

The further case against the workman is that on account of the No. 2 SB ledger not being balanced, the Manager could not attend a conference of the Branch Managers held at Pune or Panjim. So he prepared a telegraph message and handed it over to the Peon to be despatched. On the way the Peon was called inside the Sanguem Bar by Mr. Alphonso (a Clerk in the Sanguem Branch). According to the Peon when he went inside the Bar the workman snatched away the telegraph message from him and tore it to bits. The Peon reported this matter to the Manager immediately thereafter. The Enquiry Officer accepted this evidence. No exception can be taken to this. The workman in his evidence before the Enquiry Officer stated that this Peon Narvekar is not a reliable person because he tried to withdraw money from the Bank from an account where there was no money and that the withdrawal slip was returned with the endorsement 'Refer to drawer'. This case was not put to the Peon in his cross-examination. Even otherwise from this incident alone the Peon cannot be called an unreliable witness.

From the evidence of the Daftary it appears that the Manager Mr. Heredia issued an order allotting on 28-11-75 to each of the Clerks a ledger for balancing Ex. M-5 is that order. It shows No. 2 SB ledger was allotted to the workman. The Daftary deposed that when he took the original of that order Ex. M-5, the workman refused to sign the same. The workman disputes the factum of entrustment of this work to him. The Enquiry Officer has accepted the evidence of the Daftary and the Manager on this point. Regarding the incident of 28-11-75, the date of offence in the charge memo (item 2b) is shown as 18-11-75, which is not the last Friday in the month fixed for balancing the ledger. The workman took advantage of the mistake and

submitted in his explanation that 18-11-75 not being the last Friday in the month it could never have been a day fixed for balancing the ledger. During the course of evidence Mr. Heredia, the Manager gave the date correctly as 28-11-75 and the correctness of this date appears to have been not disputed as can be seen from the rest of the evidence recorded by the Enquiry Officer. Mr. Gadkare also has not sought to challenge the validity of the proceedings on this score. I hold that the Enquiry Officer's finding of guilty on charge 2b is based on proper evidence.

Under charge 2c it is alleged that the workman failed to report for duty on 28-11-75 and consequently the work entrusted to him viz., preparation of authority cheques, checking of ledgers, day book writing of bills supplementary was not done. The finding of the Enquiry Officer that the workman was sitting in a bar instead of attending to his work after the luncheon interval, I have accepted. The workman pleaded with reference to Ex. M-3 the duty list the work of preparation of authority cheques, writing the day book, writing of bills and supplementaries could not have been entrusted to him. The Manager Mr. Heredia has stated that the workman being in the Clerical cadre work like preparation of authority cheques, day book writing could be entrusted to him and that it was in fact entrusted to him. Admittedly this work was not done. This charge also was held proved by the Enquiry Officer. I see no irregularity in that.

Coming to the next item of the charge (2b) there is evidence to show that the workman left the Bank at 1.30 P.M. on 1-12-75 and returned to work at 4.05 P.M. The Bank Manager's evidence in re-examination that he returned to office at 4.05 P.M. drunk cannot be acted upon as it is not the charge against the workman. I hold on charge 2d that the workman returned to his seat at 4.05 P.M. on 1-12-75 and nothing more.

Regarding charge 2e it is alleged that on 30-12-75 the workman left for lunch at 1.30 P.M. and returned to office at 6.55 P.M. drunk. There is the evidence of the Manager and the Daftary on this point. The Daftary further deposed that on coming to the office the workman in the company of Alonso entered into an argument with the Bank Manager and flung the muster roll on the floor. Shri Gadkare for the workman submits that the charge merely refers to drunkenness and not disorderly behaviour and therefore the evidence of the Daftary to the extent it relates to disorderly behaviour should be discarded. I agree. The defence advanced on behalf of the workman is that the evidence of the Manager and the Daftary that he (the workman) was in a drunken condition cannot be accepted unless it is corroborated by Medical evidence. I do not agree. To say that a man is drunk, one need not be a medical expert, nor need one be armed with a medical certificate. The Daftary in his evidence stated that the workman and his companion Alphonso were not in a position to speak, stand or walk properly when they returned to office drunk on 30-12-75 at 6.55 P.M. The Manager also stated the workman was drunk. The Enquiry Officer accepted this evidence to find the workman guilty on this charge and I see nothing wrong in this.

Coming to the acts of minor misconduct the charge of coming late to office (charge 1) is practically admitted by the workman. His plea is that he lives 40 kms. away at Margao and that he has to go by bus daily from Margao to the Bank at Sanguem. He further states that the Bus service between the two places being most irregular and unsatisfactory he could not help going late to office. The learned Advocate for the Bank contends that if the employee chooses to live away from the place of work out his personal choice, he has got to make his own arrangements to attend the office in time. The place of unsatisfactory Bus service will be of no avail. It is then submitted by the workman that he should have been posted back to Margao where he has got his permanent residence as per the request made by him in his letter dated 21-8-1975. It may be noticed that the workman was posted to Sanguem on promotion as Special Assistant. Soon after his posting at Sanguem his work was found unsatisfactory. He complains that the Manager Mr. Heredia was spiting him. In this context he sought transfer back to Margao. But the management did not oblige. On behalf of the Bank it is submitted that an employee of the Bank is subject to periodical transfers and after having served at Margao for 8 years cannot expect a transfer back

to that place within a few months after his posting at Sanguem. There is force in his argument. I hold that the workman has been rightly found guilty on charge No. 1.

The workman is further charged with having addressed two letters one dated 19-8-75 to the Manager Mr. Heredia and the other dated 21-8-75 to the Superintendent, Staff Department through the Branch Manager of Sanguem using unrestrained and harsh language not befitting an employee of the Bank. The language used in these letters is said to constitute gross indiscipline. The workman took the plea that he was not quite well acquainted with English language and that he got the letters written by a friend knowing English. He admits that the contents of those letters were read over and explained to him in Portuguese before he signed them. This line of defence is not accepted by the Enquiry Officer who was of the view that the workman was quite conversant with English. This plea is not pressed before me. Shri Gadkare submitted that there is nothing particularly offensive about these letters. To appreciate this contention it is necessary to re-produce these letters :

The letter dated 19-8-75 reads as follows :

"Since I was unable to stay longer than 5.30 p.m. in the Bank and you asked me to give a written explanation to this effect I wish to say as follows:

1. For reasons of transport I was unable to stay longer than 5.30 p.m. in the Bank (as per my watch).

Even though we may have the Bank at 4.45 p.m. 1 of my own accord stayed till 5.30 p.m. after which it was impossible for me to say as I would miss my transport and I would have to wait for longer time and I could not do so as I had to take my sicken to the doctor.

Since you were present in the Bank and stay in the same building of the Bank and were an Officer and should shoulder the responsibilities for the work done, I was to leave the Bank as it was impossible for me to stay longer.

Even though I have not still fully recovered my bruised leg I resumed duty so as to hamper the working the Bank but I am indeed surprised at your inhuman and rough behaviour to order me to stay in the Bank, and am also grieved to see that this behaviour is also extended to our good clients who often complain that they are disgusted of your rude behaviour and I can prove. Even though I am not bound to give a written explanation as I have received nothing in writing from you I am writing this letter to show you the true facts which you try to ignore even though you know it well. Also the Bank employs my services and not me and thus my duties does not ask me to do the impossible".

The relevant portion of the letter dated 21-8-75 objected to by the management is given below :—

.....

The Manager of the Sanguem Branch is also of a prejudiced mind as can be seen by the fact that even though I have tried to explain them to him for work and some do not sign the attendance for days he finds great pleasure of marking me late and turning a blind eye to the others. Also he does not take into considerations my difficulties even though I have tried to explain them to him and have often stayed late (for over 1-1/2 hrs. after closing time). Also it shall give me pleasure to work under Mr. S. P. Raikur who I have learned to respect and honour.

.....

The Enquiry Officer found that the language used in the above letters were unrestrained and not befitting an employee of the Bank. I agree with the finding that this workman should have shown greater respect to his immediate superior in these letters. They are subversive of discipline.

I hold that the Enquiry Officer's finding of guilty on the major charges covered by 2a, 2b, 2c and 2e as per the charge memo and the minor acts of misconduct covered by charge 1

and 3 are based on proper evidence. Issue 2 found accordingly.

Issue 3 :

Shri Gadkare submitted that the Enquiry Officer before recommending the punishment should have recorded which of the charges on which he found the workman guilty were major and which minor. After finding him guilty on all the above counts he stated that the charges being "very serious" the punishment of dismissal would be appropriate. On this account it cannot be said that the findings recorded by him are vitiated. At the outset he indicated the major and minor charges of misconducts and in my view this should suffice. Charges 2a, b, c and e relate to gross misconduct meeting the punishment of dismissal.

Mr. Gadkare then pointed out that the Enquiry Officer did not take into account the past service record of the workman into account in imposing the punishment of dismissal, as enjoined in Rule 19.12C of the Bipartite settlement. It is said that the workman had put in nearly 8 years of unblemished service at Mergao and even earned the praise of his superiors for the deposit mobilisation work done by him. The question is whether the punishment of dismissal is out of all proportion to the offence committed by him. I do not think so. When he was asked to balance SB2 register on the last Friday of the month (i.e. 28-11-75), instead of attending to his work he goes away at 1.30 P.M. and sits in the Sanguem Bar till 6.00 P.M. He snatches a telegraph message from the Peon and destroys it knowing it to be a message under despatch from the Manager. on 30-12-75 he went away for lunch at 1.30 P.M. and returned to the Bank after 6.00 P.M. drunk. He was not carrying out the duties entrusted to him like checking of the ledgers, day book etc. His attitude towards his superior, the Branch Manager (Mr. Heredia) is one of defiance as is evident from the letters dated 19-8-1975 and 21-8-75 and the tone of his cross examination of Mr. Heredia while he was in the witness box. Still I feel the punishment of dismissal imposed on the workman appears to be very harsh. He may be given a chance to rectify himself, subject to certain terms. He should submit a letter unconditionally apologising for his disrespectful conduct and his defiant attitude towards his immediate superior and for writing the offensive letters dated 19-8-75 and 21-8-75. He will be reinstated with continuity of service but without any back wages from the date of dismissal to the date of reinstatement.

In this context the learned Advocate for the management invited my attention to paras 3 and 15 of the written statement wherein it is stated that the workman is the proprietor of Mullem farms where he rears poultry and pigs. He is said to have a shop at Margao where he sells food stuffs and other articles. This is said to be a bar to his prayer for reinstatement. During the course of arguments Mr. Gadkare stated that the above business do not stand in the workman's name. In the absence of any evidence on this point it cannot be said that the workman is running the above business in his own name and for that reason not entitled to reinstatement.

I find on issue 4 that the workman is entitled to reinstatement on submitting a letter of apology for his defiant attitude which is to be placed on his personal file and this order of reinstatement will be with continuity of service but without any back wages.

Issue 5 :

In the result this reference is answered as follows :

The action of the management of the Bank in dismissing the workman from service w.e.f. 18-9-76 though justified on the facts and circumstances of the case, on sympathetic consideration the order of dismissal is set aside and the workman is held entitled to reinstatement with continuity of service on his submitting an unconditional letter of apology expressing his regret for his misconduct for the defiant attitude he took against his immediate superior (Branch Manager Sanguem). This reinstatement is without the benefit of back wages.

Sd/-

P. RAMAKRISHNA, Presiding Officer
[No. L-12012(81)/78-D.II(A)]

S.O. 860.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, New Delhi, in the industrial dispute between the employers in relation to the Management of Punjab National Bank, Aligarh, and their workman, which was received by the Central Government on the 21-2-1981.

BEFORE SHRI MAHESH CHANDRA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, NEW DELHI.
I.D. No. 91 of 1978.

The Secretary, Punjab National Bank Employees' Union (UP), C/o Punjab National Bank, Railway Road, Aligarh.—Petitioner.

Versus

The Regional Manager, Punjab National Bank, Bidhav Nagar, Agra Region, Agra.—Respondent.

PRESENT :

Shri P. C. Jain—for the workman.

Shri C. K. D. Gowda with Shri K. K. Gupta—for the Bank—Management.

AWARD

The Central Government as appropriate Government vide its order No. L-12011/47/78-D.II.A dated the 21/25th October, 1978 referred an Industrial Dispute u/s 10 of the I.D. Act, 1947 to this Tribunal in the following terms :

"Whether the action of the management of Punjab National Bank, Aligarh in placing Shri Dambar Singh, Peon-cum-Chowkidar, Aligarh Branch of the Bank under suspension w.e.f. 16-1-74 and subsequently discharging him from the Bank's service w.e.f. 13-4-78 is legal and justified? If not, to what relief is the workman concerned entitled?"

2. Later on the appropriate Government vide its order No. L-12011/47/78-D.II.A dated the 1/4th November, 1978 amended the said order of reference so as to change the date of discharge from 13-4-78 to 14-4-78.

3. After the parties were served with a notice, statement of claim was filed. Then a written statement was filed and finally a replication was filed and following one issue was framed for trial :

As in the order of reference ?

4. The evidence of the parties was recorded and the case was adjourned for arguments. Arguments on behalf of the workman were heard and before the arguments of the Management could be completed the parties representatives have come forward with a statement to the effect that the parties have arrived at a settlement in this dispute. The said settlement is Ex. S/1 and an award of this settlement may be made and parties be left to bear their own costs. Parties would be bound by this settlement.

5. In view of the settlement recorded above, an award in terms of settlement Ex. S/1 is hereby passed. Settlement Ex. S/1 would form part of this award. Parties would be bound by the terms of this settlement. Parties would bear their own costs.

Further ordered :

That requisite number of copies of this award may be sent to their appropriate Government for necessary action at their end.

MAHESH CHANDRA, Presiding Officer

Dated : the 12th February, 1981.

[No. L-12011/47/78-D.II(A)]

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, NEW DELHI.

Adjudication Case No. 91/78

Regional Manager, Punjab National Bank, Agra Region, Agra.—Employer.

Vs.

Shri Dambar Singh, Peon-Cum-Chowkidar Represented by the Secretary, Punjab National Bank Employees' Union (UP) C/o Purjab National Bank, Railway Road, Aligarh.—Workman.

(In the matter Industrial Dispute relating to the suspension and subsequent discharge from service of Shri Dambar Singh, Peon/Chowkidar of Punjab National Bank, Railway Road, Aligarh Branch)

APPLICATION FILED BY THE PARTIES

MOST RESEPECTFULLY SHEWETH :

The above matter is pending for adjudication before the Hon'ble Tribunal and the parties have arrived at the following settlement :

- (i) That Shri Dambar Singh shall be appointed as a confirmed employee in the sub. cadre of the bank within 15 days from the date of filing this Memo before the Hon'ble Industrial Tribunal.
- (ii) That the basic salary of Shri Dambar Singh shall be same as that he was drawing at the time of his dismissal from the service and after his resuming duty, the same shall be re-fixed in terms of the provisions of the Third Bipartite settlement.
- (iii) That he will not be entitled to any wages except his subsistence allowance already drawn for the period intervening between his suspension, termination and re-instatement in terms of the above.
- (iv) That his appointment shall be treated as fresh for all purposes and he will not be entitled to any benefit, monetary or otherwise, in respect of his past services, except what has been proposed as above.
- (v) That he will be posted at any station other than the one in which he was working at the time of termination of his services.

In view of the above settlement, the parties pray that an Award in terms of the said settlement may be given, prayed accordingly.

For & on behalf of the workman :

- (1) Sd/- P. C. JAIN, General Secretary, PNB Employees' Union, (U.P.).
- (2) Sd/- (Illegible) President P. N. Bank Employees Union, (U.P.)

For & on behalf of Punjab National Bank :

- (1) Sd/- Shri C.K.D. Gowda, Sr. Personnel Officer Personnel Division H.O., Pl. St., New Delhi.
- (2) Sd/- (Shri K. K. Gupta), Sr. Personnel Officer RM's office, Punjab National Bank, Delhi.

New Delhi, the 4th March, 1981

S.O. 861.—In pursuance of section 17 of the Industrial Disputes Act, 1947(14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Bombay, in the industrial dispute between the employers in relation to the management of Syndicate Bank and their workman, which was received by the Central Government on the 17th February, 1981.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL No. 2, BOMBAY

Reference No. CGIT-2/12 of 1978

PARTIES :

Employers in relation to the management of Syndicate Bank, Manipal, Karnataka State

AND
Their Workman

APPEARANCES :

For the Employers.—1. Shri Tukaram S. Pai, Advocate.
2. Shri Vinod Verma, Dy. Personnel Manager (JR).

For the Workman.—1. Shri V. R. Kamat, President,
Syndicate Bank Staff Union. 2. Shri P. J. Seetharaman, Advocate.

STATE : Karnataka

INDUSTRY : Banking

Bombay, the 31st January, 1981

AWARD

The Government of India in the Ministry of Labour have referred the following industrial dispute to this Tribunal for adjudication as per their order No. L-12012/59/78-D.II.A., dated 17/20-11-78 in exercise of the powers conferred on them under section 10(1)(d) of the Industrial Disputes Act, 1947 :

"Whether the action of the management of Syndicate Bank in not posting Shri V. R. Kamat, the senior-most clerk of the Region as Special Assistant at Panjim Branch with effect from 5-3-75 and 19-1-78 is justified ? If not, to what relief is the workman concerned entitled ?"

The General Secretary of the Syndicate Bank Staff Union has filed a statement of claim on 22-1-79 on behalf of the workman Shri Kamat stating that the workman herein was a Clerk working in Panaji Branch of the Syndicate Bank during 1974. He was included in the panel for promotion to the post of Special Assistant during the year 1973. The panel is prepared once on 31-3 and again on 30-9 of each year. On 21-1-74 he was offered the post of Special Assistant that fell vacant at Pale Branch which he declined. As per rules and the terms of the agreements a person that declines the offer of Special Assistant once will not be considered again for that post until the expiry of one year. Thus till 21-1-75 the workman was not eligible for being considered for appointment as Special Assistant. A vacancy of Special Assistant arose on 5-3-75 at Marces branch. Though the workman was the senior most in the panel, the management did not offer him this post at Marces. The Union contends that in filling up the vacancy at Marces the Bank should have followed the panel current as on the date the vacancy arose i.e. 5-3-75 and not the panel that became operative on the date the vacancy was sought to be filled up i.e. in April 1975. The Union further complains that the number of Special Assistants at Panaji was purposely reduced by the management of the Bank from three to one, to see that this workman did not get a chance to get that posting. This is said to be an act of victimisation and unfair labour practice. To post one Mrs. Murnal at Panaji a post of Special Assistant was created. Mrs. Murnal, Special Assistant at Curchorem Branch was transferred to Panaji to fill that post and the consequent vacancy at Curchorem was offered to the workman who declined to accept it. The Union contends that this posting of Mrs. Myrose G. Murnal to Panaji and offering her vacancy at Curchorem to the workman is also an unfair labour practice. They question the bona fides of the management in transferring Mrs. Murnal to Curchorem from South Kanara and her transfer to Panaji within two weeks from the date of her taking charge at Curchorem. This posting of Mrs. Murnal to Curchorem and from there to Panaji is also said to have been done to deny the workman the Panaji vacancy. The Union submits that the management may be directed to treat the workman Shri Kamat as having been promoted to this post of a Special Assistant from 5-3-75 and to pay him the difference in emoluments and other consequential benefits.

The Bank in its written statement dated 23-2-79 admits that a vacancy of Special Assistant arose at Marces Branch on 5-3-75. According to them even according to the seniority list prepared on 30-9-74 the workman was not the senior most candidate, but one Mrs. Anit Gadgkar. They further submit that the said vacancy was filled up in April 1975 with reference to the seniority list prepared on 31-3-75, and as per that revised list the workman was fourth in the order of seniority. The Bank further contends that it is the function of the management to determine the strength of its staff at Panjim Branch. The reduction in the strength of Special Assistants at Panjim was not done with a view to deprive

the workman of his promotion or any desire on their part to keep in check his trade union activity. They add that they are not bound to fill up all the vacancies that arise at any given branch. They further state that the transfer of Mrs. Murnal from South Kanara to Curchorem Branch and from Curchorem Branch to Panaji was not in conflict with the circular dated 12-7-77 on the subject of "Request for transfer". They say that this was done as an exceptional case on compassionate grounds and not with a view to victimise the workman herein. They say that by their letter dated 19-1-78 this vacancy of Special Assistant at Curchorem Branch consequent upon the transfer of Mrs. Murnal to Panaji was offered to the workman who refused to accept the same. According to them the contention of the workman that he should be posted to Panaji, where the vacancy arose is not tenable. They also invite attention to the minutes of the conciliation proceedings dated 3-7-78 to show that the Bank offered to transfer the workman to Panjim within a reasonable time if he were to carry out the order posting him to Curchorem. They further plead that after the transfer of the workman as a Clerk to Bangalore on 23-9-78 as per his oral request the present dispute relating to his posting as a Special Assistant at Panjim in Goa Regions does not survive.

The Union in its rejoinder dated 2-4-79 says inter-alia that since the present claim relates to the posting of the workman as Special Assistant at Marces the events subsequent to that date, like postings and transfers that took place in 1978 can have no bearing on the issues involved. The Union further contends that since a vacancy of Special Assistant arose at Panjim, the same should be filled up by posting the senior most candidate (i.e. the workman) in the list and not by transfer. The Union denies the averment that the transfer of the workman to Bangalore was at his request. They say for administrative reasons this transfer was made. They dispute the Bank's stand that with the transfer of the workman to Bangalore, even if it be my consent, the present dispute did not survive.

On the above pleadings the issues that arise for consideration are :—

1. What is the scope of the order of Reference ?
2. Whether the workman was eligible to be appointed as Special Assistant in the vacancy that arose on 5-3-1975 at Marces ?
3. Whether the workman was entitled to be posted at Panaji branch in the vacancy that arose on 19-1-1978 ?
4. To what relief ?

Issue 1 :

The order of reference directs this Tribunal to consider the justifiability of the action of the management in not posting the workman as Special Assistant at Panaji with effect from 5-3-1975 and 19-1-1978. It is not the workman's case that he had a right to be posted at Panaji Branch on 5-3-1975 or any vacancy of Special Assistant arose at that branch on that date. The case of the workman is that on 5-3-1975 a Special Assistant's post fell vacant at Marces 3 miles away from Panaji and that the Bank was not justified in not offering him that post. The learned Advocate for the Bank contends that since the order of reference does not call upon this Tribunal to consider the justifiability of the management's action in not offering the workman the Special Assistant's post that fell vacant on 5-3-1975 at Marces this Tribunal is not competent to go into that question. The workman in the course of his evidence as WW-1 stated that he should have been posted as Special Assistant at Marces on 5-3-1975 and at Panaji on 19-1-1978 according to the seniority list of the region. After the date of his deposition before this Tribunal which was on 10-7-1980, he says he addressed a letter to the Ministry of Labour to recast the order of reference correctly to enable him to urge the injustice caused to him in not being offered the post of Special Assistant at Marces. During the course of the arguments on 21-1-1981 he showed the Court a copy of the letter addressed to the Ministry in this regard. No copy of it was marked to this Tribunal or to the management. No acknowledgement of this letter from the Ministry of Labour is also shown. But still the parties have joined issue both at the conciliation

stage and before this Tribunal on the question of the workman's right to the post of Special Assistant that fell vacant at Merces on 5-3-1975. In the interests of justice this question has to be considered.

Point 1 found accordingly.

Issue 2 :

The workman herein joined the service of the Bank in 1966 as a Clerk. From 1969 to 1978 he worked in the Goa Region which is one of the 15 regions into which the area of operations of the Bank is divided. According to seniority Clerks are posted as Special Assistants which carries a special functional allowance. The appointment to the post of Special Assistant is governed by the terms of the agreement dated 24-12-1971 (Ex. W-1). A clerk who has completed six years of service as a clerk in the Bank is eligible to be entrusted with the duties of Special Assistant. Seniority list is to be prepared on the basis of length of service in the Bank half-yearly, once on 30th September and again on 31st March each year. The list prepared on 31st March will be operative from 1st April to 30th September and the list prepared on 30th September will be operative from 1st October to 31st March. In considering the seniority of the clerks weightage is to be given to the educational qualifications like Graduation/National Diploma in Commerce/CAIIB/CAIIB Part I/CAIIB Part II. If a clerk refuses the post of the Special Assistant for whatever reason he will be given the first available chance after completion of one year from the date of refusal of the chance. If he refuses the offer for a second time he will be given a third and final chance after completion of one year from the second refusal. If the Clerk refuses the third and final chance also he shall be placed at the bottom of the list of that region. If a vacancy for Special Assistant arose in a region and if there is no eligible candidate in that region, the management may invite applications from eligible candidates from other regions and posting will be made from among such volunteers. As per the seniority list effective from 1-10-1973 the workman was offered on 21-1-1974 the post of Special Assistant that fell vacant at Pale Branch. In the course of his evidence WW-1 stated that he had to decline that offer as Pale town had no telephone facility. He further stated that by 21-1-1975 he was the General Secretary, Goa Bank Employees' Association which was an organisation of all the Bank employees and a member of Central Committee of All India Bank Employees' Association which was the then sole bargaining agent of the Bank Employees and Vice-President Syndicate Bank Employees Association which was the recognised union of the Syndicate Bank. He felt that going to Pale would seriously hamper his trade union activity. There is no dispute about the workman being offered the vacancy at Pale. On 5-3-1975 a post of Special Assistant fell vacant at Merces which is only three miles away from Panaji. By 5-3-1975 the workman says he was the senior most clerk in the seniority list that was then current i.e. the list of 30-9-1974, a copy of which is filed as Ex. M-2 (page No. 10) which shows that the workman was placed at S. No. 3 in the seniority list. Mrs. Chhaya V. Kapade and Messrs Anit S. Gadkar were the two persons senior to him. The post at Merces was filled up on 7-4-1975 in accordance with the fresh seniority list prepared on 31-3-1975 which is Ex. M-7. By 1-4-1975 Mrs. Kapade continued to remain first in the list. The second in the list was Miss Shanta G. Deshpande, who is a B. Com., CAIIB. The third was Mrs. Anit S. Gadkar and the fourth was the workman himself. During the course of his evidence the workman as WW-1 stated that the lists Ex. M-2 and M-1 were correct. As per the list Ex. M-2 he says he would be the senior most eligible candidate for entrustment of Special Assistant duties by 5-3-75, the date on which the vacancy at Merces arose. According to him by 5-3-1975 Mrs. Kapade was posted as Special Assistant at Ribander Branch and the second senior-most Mrs. Gadkar had already given the letter dated 6-11-1973 (Ex. W-5) to the Chairman and Managing Director, Syndicate Bank. Maniru expressing her unwillingness to serve as Special Assistant at any place other than Vasco-da-Gama in view of her family difficulties. He was thus the next seniormost to be offered this post at Merces as per the seniority list dated 30-9-74. He also contends that in filling up a post of Special Assistant the Bank should be guided by the seniority list that is current by the date the vacancy actually arose and not the seniority list current on the date the vacancy is sought

to be filled up. In this case it is not disputed that the vacancy was filled up in April, 1975 following the seniority list prepared on 30-3-1975. The Bank disputes the claim of the workman on two grounds viz. that even if the seniority list current on 5-3-1975 was followed the workman was not the senior-most. Mrs. Kapade and Gadkar will be above him. The Bank also says that it is the seniority list that is effective on the date the vacancy is sought to be filled up that should govern and not the list current on the date the vacancy arose. He also says that in view of the inordinate delay in raising the dispute relating to the filling up of the Merces Branch Vacancy the workman cannot be permitted to agitate the same.

The Agreement Ex. M-1 is silent on the question as to which seniority list should be followed in filling up the vacancy of a Special Assistant, whether the seniority list current on the date the post fell vacant or the seniority list current on the date on which it is proposed to be filled up. In the absence of any guidelines being found in Ex. W-1 in this regard the Bank bona fide felt that it was the list in force on the date the vacancy is sought to be filled up that should govern and not the earlier list. The view taken by the Bank cannot be questioned as being unreasonable or unjust. The workman's allegation that the Bank deliberately did not fill up the vacancy on the date the vacancy arose with a view to victimise him does not seem to be justified. There is no evidence whatsoever that from the date the agreement Ex. W-1 came into force i.e. 24-12-1971 the Bank has deviated from the stand they took in the case of filling up the vacancy that arose on 5-3-1975. In the absence of a specific direction in the agreement Ex. W-1 the management is justified in exercising its discretion in following the list that was in force at the time of filling up the post. The argument that the list that was in force on the date the vacancy arose should be applicable may also be plausible. But when the Bank has consistently taken the other view which is also equally plausible. I see no point in substituting my judgement for theirs in the absence of any malafide being established. The Bank contends that even if the seniority list Ex. M-1 dated 30-9-74 is to govern the workman will not be the senior-most on 5-3-1975. Mrs. Kapade and Mrs. Gadkar are senior to him. The workman's case is that Mrs. Kapade has already been posted as Special Assistant at Ribander Branch. The learned Advocate for the management contends that till 19-8-1976 Mrs. Kapade continued to be a clerk. They rely upon a copy of the order of even date posting Mrs. Kapade as Special Assistant at Ribander branch. So the claim of the workman that he was the senior-most as per the list Ex. M-1 dated 30-9-1974 cannot be correct. Then there is Mrs. Gadkar above him in the list. The workman as W-1 did not dispute the correctness of the list Ex. M-1 showing Mrs. Kadgkar as senior to him. On 20-1-1981 he filed a Memo. requesting the Court to call upon the management to produce 5 documents mentioned therein to say in the seniority list Ex. M-1 Mrs. Gadkar was wrongly shown as senior to him. He also says that he did not know about this flaw in the seniority list Ex. M-1 till after the date of his deposition. The workman did not protest from 1975 till 1978 against the management's filling up the post at Merces by following the seniority list of 31-3-1975. The workman having acquiesced in the management's action from 1-4-1975 he shall not be permitted to re-open that question in 1978. If his contention is to be upheld it will have the effect of unsettling the appointments made from the date Ex. W-1 agreement became effective. It is then argued that the fact that the management waited till 7-4-1975 to fill in the vacancy at Merces the malafides of the management should be inferred. The management's counsel Shri Pai submits that the Management cannot be expected to fill up this post within a day or two after the vacancy arose. It takes some time for the management to move in the normal course. Further even if the management wanted to fill up that post without delay they should first offer the post to Mrs. Kapade, the senior-most candidate and waited for her letter of approval. Even the workman took more than one month to reject the offer of Special Assistant's post at Pale.

For the aforesaid reasons I hold that the action of the Bank in filling up the vacancy of Special Assistant at Merces as per the seniority list dated 31-3-1975 is not malafide.

The learned counsel for the workman then contended that the seniority list dated 30-9-1974 is wrong so far as it shows Mrs. Gadkar as senior to him. To establish this fact he filed a petition on 21-1-1981 praying the Court to direct the management to file certain documents. The workman submitted that he had come to know of the defective nature of that seniority list only in November, 1980 and so

could not have made this application earlier. This plea was rejected because even if Mrs. Gadgkar's name is deleted from that list still the applicant would not be the first in the list, but one Mrs. Kapade. Yet another reason that prompted me to reject this petition was the Bank filled up that vacancy at Merces as per the seniority list dated 31-3-1975 and not the earlier one dated 30-9-1974 which procedure in my view is not violative of any rules. It may be said that even in the seniority list dated 31-3-1975 Mrs. Gadgkar was shown as senior to the workman. This does not make any difference. It is not disputed that if the workman was not 4th in the seniority list dated 31-3-1975, he would be at least 3rd after deleting Mrs. Gadgkar's name. The first in the list Mrs. Kapade rejected the posting at Merces and the 2nd Senior Miss Shanta Deshpande accepted it. The seniority of Mrs. Kapade and Miss Deshpande is not disputed. Thus it would not have made any difference whether the workman was placed third or fourth in the list.

For the aforesaid reasons issue 2 held against the workman.

ISSUE 3 :

The workman in the course of his claim statement and his evidence attributed malafides to the Bank in reducing the number of Special Assistants' posts at Panaji from three to one and arbitrarily raising the same to four in 1978. Two posts of Special Assistants were abolished at Panaji and in their place one each was created at Betim and Caranazalem. Asked to give the dates on which this was done, he as WW-1 expressed his inability to do so. Shri Sitaraman for the workman did not also refer to this aspect of the case during the course of his arguments.

The workman's case is that the Bank's action in filling up the vacancy of Special Assistant that arose at Panaji by posting Mrs. Murnal from Curchorem on transfer shows clearly their anxiety to keep him out of Panaji. I understood the learned Advocate for the workman to say that the workman is entitled as a matter of right to be posted at the place where the vacancy arose. On 19-1-1978 a vacancy arose at Panaji and it should have been offered to him in the first instance and not filled up by transferring Mrs. Murnal from Curchorem to Panaji. Shri Pai for the Bank submitted that a workman is entitled to the post and not to any particular station where the vacancy arises. I agree. In this case the vacancy that arose at Panaji was filled up by transferring Mrs. Murnal from Curchorem to Panaji and the consequent vacancy that arose at Curchorem was offered to the workman, which he declined to accept. It may be seen Curchorem is about 40 kms. from Panaji.

It is sought to be argued that the way the management posted Mrs. Murnal at Panaji shows their anxiety to keep the workman who is an active trade unionist away from Panaji. Let us see the circumstances in which Mrs. Murnal was brought from Udyavara, Udupi Taluka, South Kanara District to Goa Region and posted as Special Assistant at Panaji. She was working as Special Assistant at Udyavara Branch. She was married in 1976 November to an employee of Air France working at Panaji. She applied to the management on 31-10-1977 for a mutual transfer to Panaji. One Mrs. Vijaya working at Curchorem branch as Special Assistant was having her husband in South Kanara District. The management acceded to this request of Mrs. Murnal and posted her to Curchorem in place of Mrs. Vijaya transferred to Udyavara. On 5-1-1978 Mrs. Murnal applied to the management for transfer to Panaji, setting out the difficulties in travelling daily by Bus from Panjim to Curchorem a distance of 40 kms. (Shri Pai for the Bank stated that the Bank does not insist on the Special Assistant staying within the Municipal limits of the station to which he is posted). She also stated in that letter that it was unsafe for a workman to return to Panaji from Curchorem in the evening. The bus is said to arrive at Panaji at 8.30 P.M. and at times even at 10 P.M. She also pleaded inability to travel by Bus daily from Panaji to Curchorem and back on grounds of illness which is supported by a medical certificate. On this letter the management shifted Mrs. Murnal to Panaji within 2 or 3 weeks from the date she assumed charge at Curchorem. On behalf of the workman it is urged that the transfer of Mrs. Murnal to Panaji ignoring their circular dated 12-7-77 is a strong piece of evidence showing that the Bank is biased against him. The circular dated 12-7-1977 Fx. W-6 shows that a request for transfer of an employee before completion of at last three years of service in the branch where the employee is working will not be entertained. If any such application is received it would not be replied but just filed. It is argued

on behalf of the workman that the transfer of Mrs. Murnal from Curchorem to Panaji Branch which is in utter disregard of this circular is motivated. Shri Pai for the Bank submits that unless the Bank reserves the power to relax the rules in appropriate cases to redress the hardship of its employees good human relations in the establishment cannot be maintained. The request made by Mrs. Murnal on grounds of health and personal inconvenience appears to have prompted the management to relax the policy laid down in Ex. W-6. This transfer of Mrs. Murnal cannot be said to have been resorted to avoid the posting of the workman at Panaji. I am satisfied that this exceptional transfer of Mrs. Murnal was only made with a view to help her and not to victimise the workman. Further as already stated no employee has a right to be posted to any one place. He is first a servant of the Bank and then a trade union leader. The workman was allowed to remain in Panaji as a Clerk from 1970 to 1978 pursuing his trade union activities without any sort of restriction. When he has enjoyed that privilege of being at the capital of the state for nearly 8 years he should have no grievance to shift to any other outstation for a little while. In this connection the Bank assured the Assistant Labour Commissioner(C) Vasco-da-Gama during the conciliation proceedings that is the workman took charge at Curchorem as a Special Assistant in obedience of the order dated 19-1-1978 they would favourably consider his request for transfer to Panaji within a reasonable time. This offer also the workman spurned.

For the aforesaid reasons point No. 3 found against the workman.

ISSUE 4 :

In the result this reference is answered against the workman.

P. RAMAKRISHNA, Presiding Officer
[No. L-12012/59/78-D.II(A)]
N. K. VERMA, Desk Officer.

New Delhi, the 3rd March, 1981

S.O. 862.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Bombay, in the industrial dispute between the employers in relation to the management of Messrs. Bombay Harbour Transport, Mole Station, Ballard Estate, Bombay-1 and their workmen, which was received by the Central Government on the 22nd February, 1981.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, BOMBAY
Reference No. CGIP-2/37 of 1980

PARTIES :

Employers in relation to the management of Messrs. Bombay Harbour Transport, Mole Station, Ballard Estate, Bombay-1.

AND

Their Workmen.

APPEARANCES :

For the employers.—No appearance.

For the workmen.—No appearance.

Industry : Port and Docks.

State : Maharashtra

Bombay, the 12th February, 1981

AWARD

The Government of India, in the Ministry of Labour have referred the following industrial dispute to this Tribunal for adjudication as per their order No. L-31011/1/80-D.IV(A), dated 17-7-1980 in exercise of the powers conferred on them under section 10(1)(d) of the Industrial Disputes Act, 1947.

"Whether the management of Messrs Bombay Harbour Transport, Mole Station, Ballard Estate, Bombay are justified in not paying wages to Clerks and Peons, as per the recommendations of the wage Revision Committee for port and dock workers? If not, to what relief are the workers concerned entitled and from what date?"

The order of reference was registered on 21-7-80 and notices were issued to parties to appear before this Court on 28-8-1980. On 14-8-80, a letter was received in this Court from Shri K. M. Rao, General Secretary of the Union requesting the Court to include the demand of the Khalasis working for Bombay Harbour Transport on various launches.

On the adjournment date 28-8-80 the management appeared before the Court and prayed for time to file written statement. The Union was absent. A notice was directed to be issued to the Union informing them that the case is posted to 15-9-80 for filing their claim statement. A similar notice was issued to management also. The notices were received by the parties and yet they remained absent. Another notice was issued to the parties directing them to file their statements by the next hearing date viz. 13-10-80. Even after receipt of the notice the parties again remained absent. From 13-10-80 the case was peremptorily posted to 3-11-80 and a notice to this effect was sent to parties by registered post. On 3-11-80 also both the parties were absent. The matter was again posted to 4-12-80 and the parties were informed accordingly by a notice despatched under certificate of posting. On 4-12-80 also there was no appearance of parties. The case was posted to 12-1-81 and the parties were informed of the next date of hearing by Registered Post A.D. The said notices were served on both the parties for that hearing date (12-1-81). Shri Hadkar, Treasurer of the Union appeared before the Court and filed an application for adjournment to some date in April on the ground of illness of the General Secretary due to heart trouble. But when the Court posted the matter to 30-1-81 for the claim statement he was not present before the Court to take the next hearing date. On the further hearing dates 30-1-81 and 10-2-81 the parties were absent. From 10-2-81 it was finally posted to 12-2-81 on which date also there was no appearance of the parties.

The above narration of facts will show that ample time has been given to both the parties to file their respective statements. The General Secretary was reported to be ill in January 1981. There should be other office bearers of this Union competent to draft the claim statement in the absence of the Secretary. No explanation is forth-coming from the Union for not filing their claim statement prior to 12-1-81. In the circumstances I feel no useful purpose will be served by giving further time to the Union to file their statement of claim.

Hence reference is closed for non prosecution.

P. RAMAKRISHNA, Presiding Officer.
[No. L-31011/180-D.IV(A)]
NAND LAL, Desk Officer

New Delhi, the 5th March, 1981

S.O. 863.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur, in the industrial dispute between the employers in relation to the management of Manganese Ore (I) Limited and their workmen, which was received by the Central Government on the 17-2-81

BEFORE SHRI A. G. QURESHI, M.A.L.B., PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR (M.P.)
Case No. CGIT/LC(R)(29)/1979

PARTIES :

Employers in relation to the management of Manganese Ore (India) Limited, in relation for their Tirodi manganese Mine, Balaghat and their workmen

represented through the Bhartiya Manganese Mazdoor Sangh (BMS), Tirodi Branch, P. O. Tirodi, District Balaghat (Madhya Pradesh).

APPEARANCES :

For workman :

Shri S. C. Gupta, Secretary, and

Shri S. K. Rao, Advocate.

For Management :

Shri P. S. Nair, Advocate.

INDUSTRY : Manganese Mine District : Balaghat (M.P.)

AWARD

In exercise of the powers conferred on it by Clause 10(1)(d) of the Industrial Disputes Act 1947 Government of India, Ministry of Labour, has referred the following dispute to this Tribunal, for adjudication, vide Notification No. L. 27011(4)/79-D. II (B) dated 3rd October, 1979.

"Whether the action of the Manganese Ore (India) Ltd., Nagpur in relation to their Tirodi Manganese Mines in dismissing Shri Kothia S/o Dukrao and Shri Baburao S/o Pundalik, Ore Checkers of Tirodi Mine is justified ? If not, to what relief the two ore checkers are entitled ?"

2. The case of the Union in short is that the concerned workmen Shri Kothia and Shri Baburao were working as Ore Checkers at Tirodi mines of the Manganese Ore (India) Ltd., Nagpur. The two applicants Shri Kothia and Shri Baburao were charged for neglect of work under Standing Orders 10(1) for the alleged shortage of ore in the stocks prepared by them in the month of June 1977 for which both the applicants were charge-sheeted. In reply to the charge-sheet they denied the charges levelled against them and submitted certain facts of technical nature. These facts were not taken into consideration by the Enquiry Officer who ultimately held them guilty for neglect of work and at the instance of the Enquiry Officer the workmen were dismissed from services. Both the workmen preferred an appeal to the Chairman and Managing Director of the Management but no reply was given. As a matter of fact, there was no actual shortage of the ore. The shortage was usual as before, but in April 1977 the workers of the mines raised a dispute about the measurement frame, upon which a new frame of lesser capacity i.e. 4 Ctt. was introduced with the result that the shortage while measuring the stack with tape increased but that was not taken consideration by the management and the management charge-sheeted the workmen.

4. It has further been averred that in the same month i.e. June 1977 the stacks of other Ore Checkers Shri Bharat and Shri Babu Khan were found to contain higher shortage than the concerned workmen still the other workmen were simply charge-sheeted and no severe action was taken against them. In December 1977 many ore checkers were charge-sheeted for the alleged shortage of ores in their stacks, on which a joint representation was made by the Ore Checkers for remeasurement but the Company did not accede to the request of the Ore Checkers. Similarly the request of the concerned workmen for remeasurement of stacks was not heeded to and action was taken against them. The enquiry conducted was also against the principles of natural justice and the workman were not allowed the assistance of co-workers during the enquiry. The charges are for neglect of work which is minor misconduct and the punishment of dismissal is very harsh specially in view of the fact that the other ore checkers found with higher shortages were not dismissed and let off with a lesser punishment.

5. The management has resisted the claim on the ground that the Union had no existence and therefore could not espouse the cause of the workmen. No demand was made before the management by the workmen, therefore, the reference is bad in law.

6. According to the management, the enquiry was conducted impartially giving full opportunity to the workman to defend themselves. The punishment was awarded after giving a show cause notice to the workmen and the punishment is neither harsh nor excessive.

7. On the above pleadings of the parties, six following issues were framed to decide this reference. Issues no. 1 to 4 were tried as preliminary issues and decided on 22-1-1981. The order deciding the preliminary issues shall form part of the award.

ISSUES :

1. (a) Whether Bhartiya Manganese Mazdoor Sangh is fictitious name and there is no such Union in existence ?
(b) If so, its effect ?
2. Whether Shri Gupta has no locus standi to raise a dispute on behalf of workmen ?
3. (a) Whether the dispute was not raised by the workmen at any stage with the management ?
(b) If so, its effect ?
4. (a) Whether the domestic enquiry held by the management against the workmen was improper and not according to rules and without observance of the principles of natural justice ?
(b) Whether the workmen were not given a fair opportunity to effectively cross-examine the witnesses during the enquiry, as they were denied the assistance of some other person ?
5. Whether the penalty imposed by the management is proper ?
6. Relief and costs ?

FINDINGS WITH REASONS ::

Issue Nos. 1 to 4 have been decided by a separate order dated 22-1-1981.

Issue No. 5 :—The workmen and the Union have pleaded that neglect of work is minor misconduct and the other are checkers found neglect of work resulting in the greater shortages of the ore than the concerned workmen still they were awarded only minor punishment whereas the present workmen have been dismissed from the services for minor misconduct. Although the Union and the workmen have specifically mentioned the name of the other workmen and the extent of the shortages in the case of the other workmen in para 6 of the statement of claim, the management has not denied the allegations of the workmen. In the statements before Tribunal also the workmen have stated that in case of Shri Bharat and Shri Babu Khan the shortage was much higher than the shortage in the case of the concerned workmen. The other workers were also charge-sheeted but they were not dismissed. According to the workmen about 25 to 30 more ore checkers were charge-sheeted for shortages of ore but none of them have been dismissed. The witness of the management, Shri Tripathi, has not stated that why in case of Shri Bharat and Shri Babu Khan the punishment as severe as imposed on the concerned workmen was not passed, when the shortages found in their case was higher than the concerned workmen. The charge against the workmen is not of intentionally causing harm to the property of the management, but is of mere negligence. It has also not been proved that they were habitually negligent. Therefore only for one act of negligence, the punishment of dismissal from service is excessively harsh and disproportionate to the alleged misconduct. The action of the management in dismissing the concerned workmen is also discriminatory because the other ore checkers founds to have been responsible for greater shortages than the concerned workmen, were not dismissed from the services. Therefore I hold that the penalty of dismissal imposed by the management on the concerned workmen is not proper being discriminatory, excessively harsh and disproportionate to the act of misconduct. I am of the view that treating the period of dismissal till reinstatement as on non-duty the workmen should be reinstated without back wages.

Issue No. 6 :—In view of the aforesaid findings, it is held that the action of the Manganese Ore (India) Ltd. in dismissing Shri Kothia and Shri Baburao, Ore Checkers of Tirodi Mine is not justified. In view of the nature of the misconduct and the action of the management in similar cases, the punishment of dismissal for the neglect of work is excessively harsh discriminatory and disproportionate to the misconduct. The workmen are therefore entitled to reinstatement without back wages and other benefits for the period between their dismissal and reinstatement. They, however, will be entitled to the benefits of the continuity of their service.

In the circumstances of the case, the parties shall bear their own costs.

Dt. 29-1-1981

A. G. QURESHI, Presiding Officer
[No. L-27011/4/79-D. III(B)]

BEFORE SHRI A. G. QURESHI, M.A., LLB., PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR (M.P.)

CASE No. CGIT/LC(R)(29)/1979.

PARTIES :

Employers in relation to the management of Manganese Ore (India) Limited in relation to their Tirodi Mine and their workmen.

APPEARANCE :

For workmen :

Shri S. C. Gupta and
Shri S. K Rao Advocate

For Management :

Shri P. S. Nair, Advocate.

INDUSTRY : Manganese Ore Mine

DISTRICT : Balaghat (Madhya Pradesh)

ORDER

Dated : January 22, 1981

This order shall govern the disposal of Issue No. 1 to 4 raised as preliminary issues to decide the legality of the reference and the validity of the domestic enquiry conducted by the management.

2. Issues No. 1 to 3 are about the existence of the Union and the locus standi of Shri S. C. Gupta, Secretary of the Union, Bhartiya Manganese Mazdoor Sangh (BMS), Tirodi Branch, to raise the dispute about the fact of having raised the dispute with the management.

3. According to the management, the Bhartiya Manganese Mazdoor Sangh is a fictitious Union name and there is no such Union in the Tirodi or any other place. This fact was also made to the Asstt. Labour Commissioner (Central) by the management. Shri Gupta, Secretary of the Union had no power to represent the concerned workmen. The present dispute is an individual dispute and it could be converted into an industrial dispute only if substantial number of workmen or a Union which has substantial number of members espouses the dispute. In the instant case the dispute was not raised at any stage before the management by the authorised persons.

4. In my view the objection by the management is not tenable for the simple reason that the present dispute was raised on behalf of the workmen before the Asstt. Labour Commissioner Chhindwara and the representative of the management participated in the proceedings. The dispute arises out of the dismissal of the concerned workman and as such it cannot be said to be an individual dispute but is an industrial dispute according to Section 2A of the Industrial Disputes Act and even if no other workmen or any Union does not espouse the dispute, still it remains an industrial dispute because the dispute between the workmen and the employer regarding the termination of the service shall be deemed to be an industrial dispute according to Section 2A of the I.D. Act. Therefore considering the existence of the Union or the authority of the Union to espouse the dispute becomes immaterial. Therefore I hold that the present dispute is an industrial dispute and the existence or non-existence of Bhartiya Manganese Mazdoor Sangh does not effect the nature of the dispute. Issues No. 1, 2 and 3 are answered accordingly.

5. Issue No. 4 is about the validity of the domestic enquiry.

According to the Union and the concerned workmen the workmen Kothia and Baburao were employed at the Manganese Mine, Tirodi as Ore Checkers. They were charge-sheeted by the management for alleged shortage of ores in the stocks prepared by them in the month of June 1977. In reply to the charge-sheet the workmen denied the charges levelled against them and submitted certain facts of technical

nature. The facts were not taken into consideration by the Enquiry Officer. After the conclusion of the enquiry, the Enquiry Officer held them guilty for neglect of work under Standing Order 19(1) and consequently they were dismissed from the services.

6. The workmen have assailed enquiry and the findings of the Enquiry Officer on the grounds that actually there was no shortage of ores as alleged. Whatever shortage was alleged was quite usual as before. On the demand of the workmen the management had introduced a new frame and the measurement was done by the delinquent workmen by the new frame of measurement. But while checking the measurement the stacks were measured with tape. The shortage in the case of Kothia was 20 per cent and in the case of Baburao 13.10 per cent. But in the same month, in the case of other ore checkers namely, Bharat Lal the shortage was 30 per cent, Babu Khan's shortage was 15.50 per cent. As such the shortage of ore of the concerned workmen Kothia and Baburao was less. But no serious action was taken in the case of other workmen whereas the concerned workmen were dismissed. The concerned workmen had demanded remeasurement of stacks by the original frame but the Enquiry Officer did not consider their request. The workmen also prayed for the assistance of co-workers during the enquiry but their prayer was also rejected. The punishment is excessively harsh and discriminatory because the neglect of work is a minor misconduct under the Standing Orders and the severe punishment like dismissal is not justified.

7. The management has justified the action of the management and has pleaded that the Enquiry Officer conducted the enquiry without any bias and examined the prosecution witnesses in the presence of the workmen who were given full opportunity to cross-examine the witnesses. They were given all opportunities to defend themselves and the enquiry is in no way illegal or improper.

8. The management has examined the Enquiry Officer, Shri Tripathi, and the concerned workmen have examined themselves on preliminary issue no. 4.

9. Shri Tripathi in his statement has stated that enquiry proceedings Ex. M/3 and Ex. M/4 pertain to Shri Kothia and Baburao respectively and the reports are Ex. M/5 and Ex. M/6. The workmen did not ask for remeasurement of the stacks and also did not make any complaint about the enquiry proceedings. They were given full opportunity to defend themselves.

In cross-examination this witness states that the workmen had never made any request seeking the help of co-workers during the enquiry proceedings. If the workmen had wanted remeasurement by a frame he would have recorded this fact in the enquiry proceedings.

8. Workman Shri Baburao states that the shortage was due to the change in the frame of measurement. After the charge-sheet the Manager of the Colliery had called him and his co-worker Kothia and asked them about the shortage upon which they had requested that the measurement be done again. Therefore Shri Hadole, Assistant Manager, was sent by the Manager who measured the material and a shortage of 10 per cent was found. The workman had requested the Enquiry Officer to make the measurement by frame but the measurement was not done. In addition to this he had nothing to say about the enquiry.

9. The other witness Shri Kothia also makes similar statement as that of Shri Baburao, about the introduction of new frame and the remeasurement. He has made no other allegations against the Enquiry Officer and not challenged the enquiry on any other ground.

10. Thus from the statement of the concerned workmen, and Shri Tripathi it is clear that the enquiry was conducted properly and the delinquent workmen have no grievance against the enquiry except the refusal of the Enquiry Officer to remeasure the stacks and the discriminatory attitude of the management in respect of the punishment. The enquiry proceedings also reveal that the enquiry was conducted properly giving full opportunity to the workmen to cross-examine the witnesses of the management and to give their own statements.

11. As regards the remeasurement of the stacks, I find that no such request was made by the workmen during the

course of the enquiry and in defence also they had not made a prayer for the remeasurement of the stacks. Therefore I hold that the enquiry was properly conducted and the findings of the Enquiry Officer are also not perverse. Issue No. 4 is decided accordingly.

Case shall now proceed on merits of the case.

Sd/-

A. G. QURESHI. Presiding Officer

S.O. 864.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur, in the industrial dispute between the employers in relation to the management of M/s. Laxmidas Ramji Contractor, Tikuri Roadside Bauxite Quarry of A.C.C. Ltd. and their workmen, which was received by the Central Government on the 17th February, 1981.

BEFORE SHRI A. G. QURESHI, M.A., LL.B., 'SAHITYA RATNA' PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT JABALPUR (M.P.)

Case No. CGIT/LC(R)(15)1979.

PARTIES :

Employers in relation to the management of M/s. Laxmidas, Ramji, Contractor, Tikuri Roadside Bauxite Quarry of A.C.C. Ltd. and their workman Shri Ganesh Prasad S/o Shri Kulai, Opp. Kula Modi Shop, P. C. Katni Cement Factory, Katni-483504.

APPEARANCES :

For Workman.—Shri N. K. Pandey.

For Management.—Shri Rai, Advocate and Shri R. K. Gupta, Advocate.

INDUSTRY : Bauxite Quarry DISTRICT : Katni

(Jabalpur) Madhya Pradesh

AWARD

In exercise of the powers conferred by Clause 10(1)(d) of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government in the Ministry of Labour vide its Notification No. L-29012/6/79-D. III-B dated 16th June, 1979 has referred the following industrial dispute to this Tribunal for adjudication :—

"Whether the action of the management of M/s. Laxmidas Ramji, Contractor, Tikuri Roadside Bauxite Quarry of A.C.C. Ltd. in not allowing Shri Ganesh Prasad S/o Shri Kulai to join duty on 7-6-1978 is justified. If not, to what relief is he entitled?"

1. The case of the workman in short is that he was working with the firm M/s. Laxmidas Ramji Contractor since June, 1975 as a Mazdoor. His tenure of service was satisfactory and he had given no cause of complaint to the employer firm. The workman, Shri Ganesh Prasad fell sick on 9-5-1978 and was under treatment of the Associated Cement Company's Hospital till 20-5-1978. On 21-5-1978 when he was supposed to join the duty the weekly holiday of Sunday fell therefore the workman was supposed to join his duty on 22-5-1978. 21-5-1978 being a Sunday and a holiday the workman went to his village, at a distance of about 40 Kms. from Katni, to bring his family to Katni, but there the workman again fell sick and therefore could not present himself for work on 22-5-1978. Therefore on 24-5-1978 the workman sent a letter praying for leave of sickness.

2. It has further been averred that on 7-6-1978 at 7 a.m. the workman went to attend his normal duties and he also submitted the fitness certificate to the Manager. He further

explained the reason for his absence but the Manager refused to join him on duty. Thereafter at 3 p.m. on the same date the workman went to the office of the management for taking his wages. The Manager of the Company wanted to give the workman a letter dated 1-6-1973 passed on false comments. The workman refused to take that letter. Thereafter on 8-6-1978 the workman again requested the management for joining him on duty, giving the reasons for his absence from duty in writing. But without giving any opportunity to the workman to explain his absence, the management refused to join him on duty.

3. According to the workman when the order workers remained absent without intimation to the management for longer period than the present workman, the management did not take any action against them. As such the action of the management is not allowing the workman on duty is discriminatory. The workman has, therefore, prayed that he should be ordered to be reinstated with back wages and all the benefits of the continuity of service.

4. The management has raised a preliminary objection about the competency of the reference on the ground that the case of the workman was espoused by an unregistered and unrecognised Union. On merits, the management has submitted that Shri Ganesh Prasad worked upto 8th May 1978, thereafter he remained absent without applying for sick leave. However, the Company came to know about his sickness and awaited for his recovery. On 22-5-1978 a medical certificate of fitness was received from A.C.C. Ltd. hospital which shows that Shri Ganesh Prasad visited the hospital on 20-5-1978 and was declared medically fit for work from 21st May 1978. Shri Ganesh Prasad did not turn up for work and from 22nd May 1978 he remained absent without intimation of unauthorised for over 8 days. Therefore in view of this continued unauthorised absence Shri Ganesh Prasad lost his lien of his appointment automatically, under Standing Orders Clause 11(vii), and according to the terms of the same Standing Order he is deemed to have left the services of the establishment. On 7-6-1978 Shri Ganesh Prasad went to the office of the management at about 2.30 p.m. The Manager of the employed Shri K. L. Agarwal then handed him the letter dated 1-6-1978 which had remained undelivered because of his absence from his house. Shri Ganesh Prasad refused to take the letter and left the office. Thereafter he never turned up to his work. The management has prayed that Shri Ganesh Prasad had lost the lien of his job due to his own action and he under the Certified Standing Orders shall be deemed to have left the job and therefore he is not entitled for any relief.

5. From the aforesaid pleadings of the parties the uncontested position which emerges is that Shri Ganesh Prasad had fallen sick and did not attend duties from 9th May 1978. He attended the Associated Cement Company's hospital and was declared fit to resume his duties from 21st May 1978. 21st May being a Sunday Shri Ganesh Prasad should have present duty on 22nd May but he remained absent from duty till 7-6-1978.

6. The controversy is about the intimation of his further sickness from 22nd May 1978, having been sent by Shri Ganesh Prasad to the management under a Certificate of Posting. Therefore the first question which arises for determination is whether Shri Ganesh Prasad sent an intimation to the management informing of his sickness vide letter dated 24-5-1978 under Certificate of Posting.

Shri Ganesh Prasad, the concerned workman, has examined himself and one witness Shri Narendra Kumar Dubey. Shri Ganesh Prasad states that he was declared fit by the Doctor of the A.C.C. Ltd. to join his duties from 22-5-1978. But on 20-5-1978 he had gone to Banjari to bring the members of his family. But on 21-5-1978 he again fell sick with fever and dysentery. He had sent the intimation about his sickness to the Manager of the Company by a Post Card under Certificate of Posting. He has also produced the certificate of posting Ex. W/6. At Banjari he was treated by Dr. Grover of Kymore from 23-5-78 to 6-6-1978. He recovered on 6-6-78 and after recovery he went to the office of the management on 7-6-1978. But when he reached the office of the Company the Manager informed him that his name was struck off from the pay roll.

In cross-examination this witness states that he had posted the Card intimating his sickness at a Mobile Post Office at Banjari. The certificate of posting was given to him by the Mobile Post Office. When he was lying at home the Post Office people passed from the side of his house and he gave them the letter and collected the certificate of posting.

7. The witness of the workman Shri Narendra Kumar Dubey states that from 28-2-1978 to 22-2-1980 he was working as Postman at the Bawangavan Post Office. Seal on Ex. W/6 (Certificate of posting) is of Bawangavan Post Office. The seal shows that the letter detailed in the certificate has been posted at Vijayraghogarh village. A letter was given to this witness by Shri Dharia Ji to post under U.P.C. from Bawangavan. He therefore had posted the letter and had given the certificate of posting.

In cross-examination this witness states that the letter was in an envelope and it was not a Post Card. The certificate of posting is issued by the Postmaster. Shri Ravinder Kumar Burman was the Postmaster. The seal on the certificate appears to be 24th May and the year appears to be 1979.

8. From the aforesaid testimony of the workman and his witness it becomes highly doubtful whether the Certificate of Posting is actually the Certificate of posting the intimation to the management on 24-5-1978. According to the workman himself, he had sent a Post Card to the management from Banjari village itself. There was Mobile Post Office which passed by his house and he had given the Post Card himself to the postal staff who issued him the certificate. Whereas his witness Shri Narendra Kumar Dubey states that one Shri Dharia had given him one envelope and not a Post Card for being posted at Dawanganvan. As such the statements of the two witnesses of the workman are contradictory in material facts about posting the letter and the issuance of the certificate of posting.

9. The management has examined Shri Gulab Singh, the Postmaster of Vijayraghogarh who states that village Banjari is under his jurisdiction and there is no Mobile Post Office for village Banjari or any area under Vijayraghogarh from 1976, the year from which he is posted as Postmaster at Vijayraghogarh. He further states that the seal on Ex. W/6 is not from his Post Office. The other witness who is a clerk in the office of the management from 1st February, 1975 and who is incharge of Inward and Outward work, also states that no intimation from the workman was received in May 1978 under certificate of posting. The statement of the witness of the management Shri Gulab Singh clearly rebuts the statement of the workman Shri Ganesh Prasad that he had posted the letter at the Mobile Post Office at Banjari, because according to Shri Gulab Singh there is no Mobile Post Office going to village Banjari. In view of the statement of Shri Gulab Singh the workman tried to explain the certificate of posting Ex. W/6, and he examined Shri Dubey but as discussed above the testimony of Shri Dubey being contradictory to the statement of the workman himself, it is of no help to workman. The workman has not been able to prove that he actually posted a Post Card containing the intimation of his sickness under certificate of posting to the management. Therefore I hold that the workman remained absent from duty from 22nd May, 1978 till 7th June, 1978 without any intimation to the management.

10. The next question which arises for determination is whether the workman by his absence, lost his lien on his appointment and whether he is deemed to have left the service of the establishment because of his unauthorised absence.

The Certified Standing Orders of the Company have been produced by the management. Sub-clause. (vii) of Clause 11 of the Certified Standing Orders reads as under :—

"II(vii)—A workman who remains absent without authorisation or who overstays the period of leave originally granted or subsequently extended, for 8 days shall lose his lien on his appointment automatically and shall be deemed to have left the service of the establishment. However, if such a person presents himself personally within 8 days from the date of his loss of lien on his appointment and offers an explanation to the satisfaction of the Principals, the principals may admit him back to work on such terms and conditions as he deems fit."

11. In my opinion, the Standing Orders is very clear on the point that if a workman remains absent without authorisation for a period of 8 days or who over stays the period of

leave originally granted or subsequently extended for 8 days shall loss his lien no his appointment. Thus when the workman Shri Ganesh Prasad did not report on his duty on 22nd May, 1978 and remained absent for 8 days i.e., till 29th May, 1978 he lost his lien on his appointment since 30th May, 1978. In the second part of Sub-clause (vii) of Clause 11 of the Certified Standing Orders there is a provision that if within 8 days of the date of the loss of lien the workman personally presents himself before the employer and gives his explanation about his absence then the employer may reinstate him on his post. Therefore if the workman would have gone to the management till 6th June, 1978 and explained the cause of his absence then the management could have considered his reinstatement on his original post but the workman went to the management on 7th June, 1978. As such even in preventing himself before the management for explaining the cause of his sickness, the concerned workman became late by one day. Therefore in view of the clear provisions of the Certified Standing Orders, legally the workman is not entitled to reinstatement or any other relief because why his own action of absence from duty without intimation he lost his lien from his post and he is deemed to have left the establishment. After that also he did not go to the management within 8 days of the loss of his lien and explained the circumstances under which he remained absent from duty without intimation. Therefore, he is not entitled to get any benefit of the second limb of Sub-clause (vii) of Clause 11 of the Certified Standing Orders.

12. The workman has stated that in the case of other workman the management did not take a strict view, when the other workmen were absent without intimation for a longer duration. He has also filed Ex. W/4 and Ex. W/5 which show that instead of treating the workman to have abandoned the job notices were given to the other workman to show cause why disciplinary action should not be taken against them. These letters of course give an indication that the management had adopted a lenient attitude in cases of the other workman and have proposed an action under the Certified Standing Orders 16(xiv). But this itself would not entitle the present workman Shri Ganesh Prasad for a relief of reinstatement because if there are two provisions in the Certified Standing Orders under which the management can proceed and the management chooses to take an action under one clause for one workman and under another clause for the other workman, it cannot be said to be legally wrong. However, in view of the fact that the period of absence of the workman is of not a long duration and the delay in explaining the cause of absence is only of one day it will not be out of place to observe that the management if so desires may take a lenient view in the matter and reinstate or repost the concerned workman on compassionate grounds.

13. In the result, it is held that the action of the management of M/s. Iaxmidas Ramji, Contractor of Bauxite Quarry of A.C.C. Ltd. in not allowing Shri Ganesh Prasad to join duty on 7th June, 1978 is justified and the workman is not entitled to any relief.

30th January, 1981.

A. G. QURESHI, Presiding Officer
[No. L-29012(6)/79-D. III(B)]

S.O. 865.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, New Delhi, in the industrial dispute between the employers in relation to the management of Rajasthan State Mines and Minerals Limited, Udaipur and their workmen, which was received by the Central Government on the 23rd February, 1981.

BEFORE SHRI MAHESH CHANDRA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, NEW DELHI.

I. D. No 82 of 1980

In re :

State : Rajasthan

The Secretary, Rajasthan State Mines and Minerals Karamchari Sangh, Near Champalal-ki Dharamshala, Udaipur-313001 . . . Petitioner

Versus

The Managing Director, Rajasthan State Mines and Minerals Ltd., 10, Pologround, Saheli Marg, Udaipur-313001 . . . Respondent

AWARD

The Central Government as appropriate Government vide its order No. L-29011/6/80-D. III(B) dated the 31st July, 1980 referred an Industrial Dispute u/s 10 of the I. D. Act, 1947 in the following terms to this Tribunal :

"Whether the action of the management in transferring Shri Govind Kunawat, Auto Electrician from Jhamer Kotra to Bikaner is justified ? If not, to what relief the workman is entitled ?"

2. On receipt of the reference usual notices were sent to the parties and parties put in their appearances. A statement of claim was filed by the workman side but before any written statement could be filed Shri Jagat Arora appeared on 13th February, 1981 on behalf of the Management and stated that the workman had been transferred back to Udaipur Head Office and the dispute did no longer subsists. In view thereof his statement was recorded which reads as under :

"I tender my application A/1 alongwith annexures A/2 and A/3, which are respectively the transfer orders and joining report of the workman in this case. In view thereof a no dispute award be returned."

3. From the perusal of statement re-produced above read with Ex. A/1 to Ex. A/3 it is established that the dispute no longer subsists and in view thereof a no dispute award is hereby returned leaving the parties to bear their own costs. Further Ordered :

That requisite number of copies of this award may be sent to the appropriate Government for necessary action at their end.

Dated : the 17th February, 1981.

MAHESH CHANDRA, Presiding Officer.

[No. L-29011(6)/80-D. III(B)]

S.O. 866.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Jabalpur, in the industrial dispute between the employers in relation to the management of Bhilai Steel Plant and their workmen, which was received by the Central Government on the 17th February, 1981.

BEFORE SHRI A. G. QURESHI, M.A., LL.B., PRESIDING OFFICER, CENTRAL GOVERNMENT, INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR (M.P.)

Case No. CGIT/LC(R)(62)/1980

PARTIES :

Employers in relation to the management of Bhilai Steel Plant, District Durg (M.P.) and their workmen through the Secretary, Metal Mines Workers Union (INTUC), Quarter No. 4B, Street No. 2, Post Office Nandini Mines, District Durg (Madhya Pradesh).

APPEARANCES :

For Union—None.

For Management—Shri D. C. Henri, Law Officer.

INDUSTRY : Lime Stone Mine DISTRICT : Durg (M.P.)

AWARD

The Government of India in the Ministry of Labour, in exercise of its powers conferred by Clause 10 (1)(d) of the Industrial Disputes Act, 1947, has referred the following disputes to this Tribunal for adjudication vide Notification No. L-29012(7)/80-D.III(B) dated 10th September, 1980 :—

"Whether the action of the management of Bhilai Steel Plant in denying the incentive bonus to Shri Balawar Prasad, Loco Driver and Shri Ram Prasad, Assistant Loco Driver of Nandini Lime Stone Mine for the period of suspension from 25th June, 1977 to 28th December, 1977 is justified ? If not, to what relief the workmen are entitled ?"

2. Despite notice the Union has neither filed any statement of claim nor has put in its appearance.

3. The case of the management in short is that S/Shri Baleswar Prasad and Ram Prasad are employed as a Loco Driver and Asstt. Loco Driver respectively at Nandini Mines of the Bhilai Steel Plant. On report received from the police that they were prosecuted in the Court of law for the commission of an offence punishable under Section 392 I. P. C. The workmen were placed under suspension because the alleged offence was a case involving moral turpitude. Shri Baleswar Prasad was placed under suspension with effect from 25-6-1977 and Shri Ram Prasad with effect from 8th July, 1977, according to Clause 31(ii)(b) of the Standing Orders. Both the workmen were acquitted by the Court and accordingly they were reinstated on duty vide order dated 29th December, 1977. On their reinstatement they were allowed all attendant benefits, viz., wages etc. for the period they remained under suspension. It was, however, specifically stated in the reinstatement order that they would not get productive incentive for the period of suspension, because they did not contribute in actual production. According to them (group piece rate) Incentive Scheme applicable to the workmen of the Nandini Mines which was introduced as a result of a settlement between the Bhilai Steel Plant and the recognised Union under Sec. 12(3) of the Industrial Disputes Act, the productive incentive is payable to the employees who are actually present on duty and contribute in the production. A member of the incentive group who is absent or on leave does not get the production incentive for the period of his absence. Only those persons who actually contribute in the process of production become eligible to share out of the group earnings of the incentive group. As the concerned workmen did not contribute in the process of production, they are not eligible to share from the group earnings of their crew. Therefore the concerned workmen are not entitled for the incentive Bonus.

4. In support of the pleadings the management has examined Shri T. G. Chainrulu, Office Superintendent of the Mines Office of Bhilai Steel Plant who has proved Ex. M/1, the agreement entered into between the management and the recognised Union. According to him, the concerned workmen were suspended because the police had arrested them for a criminal charge. They were later on reinstated by orders Ex. M/2 and Ex. M/3. The Incentive Bonus is given to the workmen only for the period during which they actively contribute in the production. The said bonus was not paid to the concerned workmen because being under suspension they did not contribute in the production.

5. From the unrebutted testimony of Shri Chainrulu and unchallenged pleadings of the management, it is manifest that the incentive bonus is paid only to those workmen who actually participate in the production. Clause (iv) of Ex. M/1 the settlement between the Union and the management, clearly says that for Nandini Mechanised Mines the employee shall be divided into six incentive groups. The scheme further says that the group incentive earnings shall be distributed to the respective groups on the basis of the actual work in the process of production. Clause 5.1.3 clearly says that only those employees who are present in the shift are eligible for the incentive bonus.

In the instant case, the concerned workmen were suspended by the management because they were involved in a case under Sec. 392 of the I.P.C. involving moral turpitude. Therefore according to the Standing Orders the management had no option but to suspend them. On their acquittal from the Court the workmen were given all the benefits to which they entitled as an employee of the management. However, a workman does not become entitled to incentive bonus only by virtue of being an employee of the management. The payment of the incentive bonus is linked with his actual presence and work resulting in the optimum output of the incentive group. Therefore workman who actually did not participate in the productive process is not entitled to the incentive bonus. Clause 5.1.3 of Agreement of Ex. M/1 clearly says that only those employees who are present in the shift are eligible for incentive bonus. Therefore the management was justified in denying the incentive bonus to Shri Baleswar Prasad and Shri Ram Prasad for the period of suspension from 25th June, 1977 to 28th October, 1977. The workmen concerned are therefore not entitled to any relief.

A. G. QURESHI, Presiding Officer

28th January, 1981.

[No. L-29012/7/80-D. III (B)]

New Delhi, the 7th March, 1981

S.O. 867.—In pursuance of section 17 of Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal-cum-Labour Court, New Delhi in the Industrial dispute between the employers in relation to Shri Abdul Karim, Mine Owner and his workmen.

BEFORE SHRI MAHESH CHANDRA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, NEW DELHI

I.D. No. 2 of 1980

In re :

The President, Rashtriya Mazdoor Sangh, Ramgund, District Kota, Rajasthan.

PETITIONER

Versus

Shri Abdul Karim, Mine Owner, P.O. Morak Station, District Kota, Rajasthan.

RESPONDENT

AWARD

The Central Government as appropriate Government referred an Industrial Dispute u/s 10 of the I.D. Act, 1947 vide order No. L. 29011/15/79-D.III.B dated the 16th January, 1980 in the following terms to this Tribunal :

"Whether the following demands of the workers employed in the Limestone Mines of Shri Abdul Karim, Morak Station, District Kota are justified ? If so, to what relief the workman are entitled :

1. Revision of daily wage of unskilled workers from Rs. 5.80 to Rs. 6.60 per day.
2. Demand for enhancement of the rate of stone cutters from Rs. 7.25 per 107 sq. ft. of stone cut to Rs. 8.25 per 100 sq. ft. of stone cut.
3. Provision of medical facilities.
4. Supply of flooring stone and chingari (broken pieces) at 50 per cent of the cost to the workers for construction of their houses.
5. Payment of children education allowances."

2. Upon receipt of the reference it was ordered to be registered and usual notices were sent to the parties for the 27th February, 1980 but as none had appeared for the parties on that date fresh notices were ordered to be issued for 7th April, 1980 thereafter again none appeared for the parties on 7th April, 1980 and fresh notices were ordered to be issued for 19th May, 1980. Again none appeared for the parties and further notices were ordered to be issued for 7th July, 1980. On 7th July, 1980 Shri Ram Gopal, the Office Secretary of the Sangh appeared for the workmen side but none appeared for the Management and a fresh registered A.D. notice was ordered to be issued to the Management. It may be mentioned here that the Management side had already been served in this case for the 27th February, 1980 and had absented. In these circumstances when none appeared for the parties on the 31st of July, 1980 following orders were passed by me :

"Present none for the parties. Earlier too none has appeared for workmen side on 3 occasions and none has been appearing for employer either. It appears none of the parties is interested in the prosecution of this reference. In view thereof I am constrained to determine the dispute ex-parte. Award is reserved."

3. In view of the circumstances mentioned above and in view of the fact that none of the parties have appeared to prosecute the reference before me and in view of the peculiar conduct of the parties a no dispute award is hereby made in this matter leaving the parties to bear their own costs.

Further Orders:

That requisite number of copies of this award may be sent to the appropriate Government for necessary action at their end.

Dated : the 19th September, 1980.

MAHESH CHANDRA, Presiding Officer

[No. L-29011/15/79-D.III(B)]

K. K. HANNA, Under Secy.